

**CITY OF DUNWOODY
JANUARY 6, 2009
COUNCIL MEETING MINUTES**

The Mayor and Council of the City of Dunwoody held a Specially Called Council Meeting on Monday, January 6, 2009 at 7:00 p.m. The Council Meeting was held in the Dunwoody United Methodist Church, 1548 Mount Vernon Road, Dunwoody, Georgia 30338. Present for this meeting were the following:

District 1, Post 1,	Denis Shortal, Council Member
District 2, Post 2	Adrian Bonser, Council Member
District 3, Post 3	Tom Taylor, Council Member
At Large, Post 4	Robert Wittenstein, Council Member
At Large, Post 5	Danny Ross, Council Member
At Large, Post 6	John Heneghan, Council Member
	Ken Wright, Mayor

Staff Present:	Brian Anderson, City Attorney
	Warren Hutmacher, City Manager
	Leonid Felgin, Assistant to Acting City Clerk
	Jennifer Peterson, Community Development Director

Mayor Wright called the Meeting to order.

INVOCATION led by Council Member Ross.

PLEDGE OF ALLEGIANCE led by Council Member Taylor.

MINUTES:

Councilmember Ross motioned to approve the December 29, 2008 City Council Meeting Minutes. Council Member Taylor seconded. Under discussion, certain clerical changes were made to the Minutes, such as corrections to spelling of names. Councilmember Ross moved to amend the Minutes to add certain statements by Councilmember Bonser into the budget discussion. Councilmember Bonser seconded. There being no discussion, the Mayor called for a vote on the amendment and the motion carried unanimously. There being no further discussion on the Minutes, the Mayor called for a vote to approve the Minutes as amended. The motion carried unanimously.

PUBLIC COMMENT: Mayor Wright requested public comments.

Brian Sims – He noted that the amounts budgeted for line items such as insurance in the budget were a bit high for the size of the City. Also, Dental and Vision insurance should cost less as well. Retirement benefits of 12% of salary are way above the 2-5% average – maybe something

can be reconsidered. He also commented that the fee for violations in the Bond Schedule is too high as well. He would like to have a Protect & Serve, rather than a Ticket/Fine, mentality to the operation of the court. He would also like to have a housing allowance for police officers as an enticement for officers to move to the City.

CONSENT AGENDA: None.

UNFINISHED BUSINESS:

Public Hearing on the Interim Comprehensive Plan

The Mayor opened the Public Hearing. Jennifer Peterson, Director of Community Development, went over the DeKalb Comprehensive Plan and presented it to the Council. She stated that the City will be formulating its own over a period of a year but to be able to properly make zoning decisions per the City's zoning ordinance, there is a need to keep DeKalb's plan for now. No substantive changes should be made at this time in order to stay within the guidelines of the law and the ARC.

At this time, the Mayor called for Public Comment. There were no comments. The Mayor closed the Public Comment portion of the Public Hearing.

Seeing no further discussion, the Mayor closed the Public Hearing.

Public Hearing on the Interim Future Land Use Map

The Mayor opened the Public Hearing. Jennifer Peterson presented the current DeKalb County Future Land Use Maps, stating that they were the graphic representations of the policies delineated in the Comprehensive Plan. She suggested that, as with the Comprehensive Plan, no major changes should be made at this time and for the same reason.

At this time, the Mayor called for Public Comment. There were no comments. The Mayor closed the Public Comment portion of the Public Hearing.

Seeing no further discussion, the Mayor closed the Public Hearing.

Ordinance to approve Interim Comprehensive Plan – The Second Read of Ordinance 2009-01-01, approving the City of Dunwoody Interim Comprehensive Plan, was read by Assistant to Acting City Clerk Felgin. Councilmember Shortal made a motion to approve Ordinance 2009-01-01 as presented. Councilmember Wittenstein seconded. Under discussion, Councilmember Shortal stated that it's good to get something on the books but wanted to make sure no holes existed in the Plan. Councilmember Heneghan agreed and stated that when the City does its own, it should look to compare this plan to the previous Comprehensive Plan, especially in terms of density, to see what changes were made by the County to come up with the current Comprehensive Plan. Jennifer Peterson again reiterated that they're researching with the ARC as to how much of a change can be made without going through the whole process designated by

the law for the approval of the Comprehensive Plan and until they get some direction, she urges that no substantive changes to the Plan be made. Seeing no further discussion, the Mayor called for a vote on the motion and the motion carried unanimously. (*Ordinance 2009-01-01*)

Ordinance to Approve the Interim Land Use Map - The Second Read of Ordinance 2009-01-02 approving the Interim City of Dunwoody Future Land Use Map, was read by Assistant to Acting City Clerk Felgin. Council Member Taylor made a motion approve Ordinance 2009-01-02 as presented. Council Member Heneghan seconded. There was no discussion and the motion carried unanimously. (*Ordinance 2009-01-02*)

Ordinance to Adopt the International Property Maintenance Code - The Second Read of Ordinance 2009-01-03, adopting the International Property Maintenance Code, was read by Assistant to Acting City Clerk Felgin. Council Member Taylor made a motion approve Ordinance 2009-01-03 as presented. Council Member Taylor seconded. Under discussion, Jennifer Peterson stated that this International Code is the same one all jurisdictions use and it has to be adopted separately from other ordinances. Councilmember Wittenstein asked, as to the insertions being made into the code, how the City is comparable to other jurisdictions. She stated that the City is comparable to surrounding areas but she does not have specific examples of those comparisons in terms of inserts that are allowed by the Code. Councilmember Shortal said that the Code eases some of his worries about forcing people to get permits for small jobs. Councilmember Wittenstein also asked about the occupancy requirements and Jennifer Peterson responded that this is a way to go after situations where an infrastructure is being overloaded beyond its capacity and capability, but she cannot give examples at this moment of comparisons with other jurisdictions and would have to research the question further. Seeing was no further discussion, the Mayor called for a vote on the motion and the motion carried 5-2 (Wittenstein and Heneghan opposing). (*Ordinance 2009-01-03*)

Ordinance to approve the 2009 Fiscal Year Budget: Councilmember Shortal moved to approve Ordinance 2009-01-04 as presented. Councilmember Ross seconded. Under discussion, Councilmember Shortal asked about the Stormwater fund – he wondered whether there is a sinking fund. City Manager Hutmacher stated that a Stormwater Utility has not been created and when one is created, the City Council should amend the budget to include a Stormwater fund. Without the utility, fees cannot be collected on the tax bill for its operation. Councilmember Wittenstein stated that the state allows for that fee but municipalities are not required to assess it. DeKalb has done so for the past several years but they can no longer do that for Dunwoody residents and the City can decide to assess its own. The City Manager further stated that he recommends a stormwater utility, but certain rules have to be followed and until such time as it is properly created, the budget should not reflect it. Councilmember Ross agreed that the utility should be looked into as any reserve funds would be quickly expended with one stormwater problem in the Perimeter area.

The City Manager commented on the Group Health Insurance question: projections had to be made for the worst case scenario and that's why the estimates are higher and when the actual benefit plans are approved, this will need to be amended to reflect the actual costs. Also, the City will need to retroactively adopt a Fiscal Year 2008 Budget to properly be within the State

audit rules for the first month of the City's operation.

The City Manager commented on the housing allowance for police officers to live in Dunwoody. There are a range of various plans and successes/drawbacks of the housing allowances and it is something that can be looked at and evaluated further. Councilmember Shortal stated that an honest wage is paramount. In this economy, there is no need to pay a higher premium for benefit health insurance. The City Manager also commented on the reasonable limit of the police car gas allowance and there was no recommendation currently as to the radius of travel this would allow. Councilmember Wittenstein commended the Staff again on the work which went into creating the budget. There being no further discussion, the Mayor called for a vote and the motion carried unanimously. (*Ordinance 2009-01-04*)

Ordinance to Set Fiscal Year: The second read of Ordinance 2009-01-05, adopting the City of Dunwoody Fiscal Year, was read by Assistant to Acting City Clerk Felgin. Councilmember Shortal moved to approve Ordinance 2009-01-05 as presented. Councilmember Bonser seconded. There being no discussion, the Mayor called for a vote and the motion carried unanimously. (*Ordinance 2009-01-05*)

TAN Ordinance: The second read of Ordinance 2009-01-06, authorizing the City of Dunwoody Tax Anticipation Note, was read by Assistant to Acting City Clerk Felgin. Councilmember Taylor moved to approve Ordinance 2009-01-06 as presented. Councilmember Wittenstein seconded. Under discussion, Councilmember Shortal noted that this was the same note discussed at the previous meeting. Seeing no further discussion, the Mayor moved for a vote and the motion carried unanimously. (*Ordinance 2009-01-06*)

Councilmember Shortal moved to move the discussion and vote on the Resolution to approve the Assistant City Clerk to be the next item on the Agenda. Councilmember Wittenstein seconded. There being no discussion, the Mayor called for a vote and the motion carried unanimously.

Resolution to Appoint an Assistant Acting City Clerk: Assistant to Acting City Clerk Felgin read Resolution 2009-01-03, to appoint the Assistant Acting City Clerk for the City of Dunwoody. Councilmember Shortal moved to approve the Resolution as presented. Councilmember Taylor seconded. Under discussion, the City Manager stated that Laura Cook is on staff and this would be a convenient move to get documents signed whenever necessary since the Acting City Clerk is not always available. There would be no additional cost to the City. There being no further discussion, the Mayor called for a vote and the motion approved unanimously. (*Resolution 2009-01-03*).

Mayor requested a ten-minute break and temporarily adjourned the meeting for 10 minutes.

After the Break, the Council proceeded to the next item on the agenda:

Ordinance to approve the Comcast Franchise – The deferred Second Read of Ordinance 2008-12-53 approving the grant of a video and cable franchise to Comcast of Georgia I, LLC

was read by Assistant to Acting City Clerk Felgin. Council Member Ross made a motion approve Ordinance 2008-12-53 as presented. Council Member Taylor seconded. Under discussion, Councilmember Wittenstein asked if the City can regulate the rates Comcast charges. City Attorney Anderson stated that he would look into it but was not sure the City had the authority to do so. The Council discussed several concerns regarding how the competition is regulated and Counsel Anderson stated that this would not forbid another company from negotiating with the City for a cable franchise or to obtain one directly from the state, as another franchisee has done. The Council and City Attorney discussed the difference in acquiring a state franchise and negotiating a contract with the franchisee and the City Attorney stated that the City would get a better deal and better level of regulation by negotiating a private contract with the company rather than having them go through the state where the City has not negotiating power. The Council also brought attention to the Restoration of Public Ways in the Agreement that did not exist in the previous version. Councilmember Wittenstein wanted for the City to look at other things in the Agreement that the City may need to negotiate with Comcast. Councilmember Wittenstein moved to defer this Ordinance to the next meeting. Councilmember Taylor seconded. Under discussion, Councilmember Shortal said that only those things mentioned should be investigated. Seeing no more discussion, the Mayor moved for a vote on the motion to defer and the motion carried unanimously. The Ordinance was deferred.

Resolution to approve the Zoning and Planning Schedule of Fees: Assistant to Acting City Clerk Felgin read deferred Resolution 2008-12-34, to approve a schedule of fees for Planning and Zoning. Councilmember Shortal moved to approve the Resolution as presented. Councilmember Taylor seconded. Under discussion, Jennifer Peterson stated that these rates are competitive with 15 surrounding jurisdictions. Councilmember Shortal reminded Council of the discussions that occurred at last week's meeting regarding certain items that are exempted from the fees and certain fees being changed depending on what job is being done and how extensive it is. This allows for homeowners to use the help of City personnel to make repairs on their own and that is the reason there are no reinspection fees on some items as a result. In response to Councilmember Wittenstein's question, Jennifer Peterson stated it was still appropriate to have water/sewer fees because of the inspection that will go into several projects on private property, since the County is only responsible for water/sewer lines up to a certain point on the property, specifically the water meter. Those inspection fees are taken care of by the County. Councilmember Shortal agreed that there is due diligence in requiring those inspections so that there are no negative legal ramifications if any problems occur. There being no more discussion, the Mayor moved for a vote on the motion and the motion carried unanimously. (*Resolution 2008-12-34*).

REPORTS AND PRESENTATIONS – None.

NEW BUSINESS

Readoption of Zoning Ordinance and Updated Zoning Maps: The First Read of Ordinance to re-adopt Chapter 27 (City of Dunwoody Zoning Ordinance) with updated Zoning Maps was

held. City Attorney Anderson stated that the only difference in this ordinance from the one that was passed December 18, 2008 is that updated zoning maps are included. Jennifer Peterson stated that, as soon as possible, the updated zoning maps will be up online and the Community Development Department will make them more user-friendly and color-coded. Mayor Wright requested Community Development to research lowering the number of unrelated family members in residential zoning provisions to three (3) from four (4) that is currently in the ordinance. (*First Read*)

Resolution for Municipal Court Fee Schedule: Assistant to Acting City Clerk Felgin read Resolution 2009-01-01, adopting the Municipal Court Processing Fee, for consideration. Councilmember Heneghan moved to approve the Resolution as presented. Councilmember Ross seconded. Under discussion, the City Manager stated that these are comparable to other jurisdictions. The City Manager also explained that the City is only approving the processing fee and the rest of the fees are set by the judge and are here simply as information to the Council. The City Manager also stated that the DeKalb Police have given out citations in December that will be adjudicated in the Municipal Court after all citation recipients are notified of the change in jurisdiction. Council asked why the fees included those for speeding under 10 miles over speed limit. Chief Grogan stated that the State requirement that less than 10 miles per hour over the posted speed is not enforced is only for radar detection and does not apply if pacing is involved. Seeing no more discussion, the Mayor called for a vote on the motion and it was approved unanimously. (*Resolution 2009-01-01*)

Resolution to re-adopt Rules and Procedures of City Council: Assistant to Acting City Clerk Felgin read Resolution 2009-01-02, readopting the City Council Rules and Procedures with certain amendments. Mayor Wright moved to defer the Resolution to the January 26th City Council Meeting. Councilmember Shortal seconded. Under discussion, Councilmember Wittenstein stated that the Council needs to discuss deferral and comments provisions in the Rules and Procedures before voting on the Resolution and they can do that at their retreat on the 20th of January. Seeing no further discussion, the Mayor called for a vote on the motion to defer and the motion carried unanimously. The Resolution was deferred.

Amendment to Chapter 16: The First Read of Ordinance to amend Chapter 16 (Offenses and Violations), amending the alcohol in city parks prohibitions provision, was held. Councilmember Shortal stated that this concerns what alcohol can be served in the City parks. The City Manager requested that the City Council advise him on what criteria to include for permit acquisition for such purposes. (*First Read*)

OTHER BUSINESS: None.

PUBLIC COMMENT:

Steve Ludwick – He stated that Comcast is not regulated like the electrical and gas companies and really only pay the franchise fees that consumers pay them which, in essence, is the City collecting from its taxpaying residents. He knows there is nothing that can be done about it but

he just wanted to mention it to Council.

Brian Sims – He wanted to know whether the City Council ever received a map of where the sexually oriented businesses can operate and locate, as Councilmember Wittenstein had requested prior to the December 18th Meeting.

There being no further business, Councilmember Shortal moved for an Executive Session on Personnel and Real Estate Matters. Councilmember Taylor seconded. The motion carried unanimously. Mayor Wright stated that there will be no business following Executive Session and that the meeting would be immediately adjourned.

The Council went into Executive Session, after which the Meeting was adjourned.

Approved by:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk

INVOCATION

“At this Council Meeting, help us to make decisions which keep us faithful to our mission and reflect our values. Give us strength to hold to our purpose; wisdom to guide us; and a keen perception to lead us. And above all, keep charitable as we deliberate.”

Chapter 21 – Signs

Article I. In General

Section 1: Purpose and Findings

The City Council finds that signs provide an important medium through which persons may convey a variety of noncommercial and commercial messages. However, left completely unregulated, the number, size, design characteristics, and locations of signs in the City can become a threat to public safety as a traffic hazard and a detriment to property values and to the City's general public welfare, as well as create an aesthetic nuisance. The City further finds that signs have become excessive, and that many signs are distracting and dangerous to motorists and pedestrians, and substantially detract from the beauty and appearance of the City. The City finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations.

The City further finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The Mayor and council finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility poles, public utility signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.

The City finds that some signage has a single targeted function and that identification of such signs by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of locating addresses, which is of benefit to those persons looking for those addresses and is essential to public safety personnel responding to emergencies. Signs at the entrances to subdivisions or major developments favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this Ordinance, the provisions of this Ordinance are unrelated to the content of speech provided and allow maximum expressive potential to sign owners.

The purpose and intent of the governing authority of the City of Dunwoody in enacting this Chapter are as follows:

- (1) To protect the health, safety and general welfare of the citizens of Dunwoody, and to implement the policies and objectives of a comprehensive development plan of the City through the enactment of a comprehensive set of regulations governing signs in the City of Dunwoody;
- (2) To regulate the erection and placement of signs within the City of Dunwoody in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to drivers or pedestrians;
- (3) To preserve the value of property on which signs are located and from which signs may be viewed;
- (4) To maintain an aesthetically attractive city in which signs are compatible with the use patterns of established zoning districts;
- (5) To maintain for the City's residents, workers and visitors a safe and aesthetically attractive environment and to advance the aesthetic interest of the City;
- (6) To establish comprehensive sign regulations that effectively balance legitimate business and development needs with a safe and aesthetically attractive environment for residents, workers, and visitors to the City;
- (7) To provide fair and reasonable opportunities for the identification of business which are located within the City of Dunwoody, and to provide for the identification of the availability of products, goods or services so as to promote the economic vitality of businesses that are located within the City;
- (8) To ensure the protection of free speech rights under the State and United States Constitutions within the City of Dunwoody;
- (9) To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent and aesthetic characteristics of those districts;
- (10) To allow certain signs that are small, safe, unobtrusive on lots, subject to the substantive requirements of this Chapter but without a requirement for permits;
- (11) To provide for temporary signs in limited circumstances;
- (12) To place reasonable controls on nonconforming signs that are by definition contrary to the public health, safety and welfare while protecting the constitutional rights of the owners of said nonconforming signs; and

- (13) To provide for the maintenance of signs, and to provide for the enforcement of the provisions of this chapter.

Section 2: Definitions

For the purposes of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular, the word "shall" is mandatory and not directory, the word "person" includes a firm, organization, partnership, trust and corporation, and the word "City" shall mean the City of Dunwoody, Georgia.

As used in this Chapter, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them:

Abandoned or Dilapidated sign shall mean any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, holes on or in the sign structure, broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illumination or mechanical devices or which is otherwise dilapidated, unsightly, or unkempt.

Aggregate sign area shall mean the sum total of the sign area of any and all signs for a given lot. Subdivision signs, flags and banners are excluded from any determination of aggregate sign area in residentially zoned districts. Street numbers assigned by the United States Postal Service shall not be considered in calculating the aggregate sign area.

Animated sign shall mean a sign that all or any part thereof visibly moves or uses movement or a change of lighting to depict action or to create a special effect or scene. This includes signs that rotate or revolve to display a message in more than one (1) direction and tri-vision signs.

Area of a sign/sign area shall mean the total area upon which a message is displayed on any sign consisting of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the entire sign, inclusive of any border and trim, but excluding the base, apron, supports, and other structural members. For double-faced signs, the side of the sign with the largest sign area shall be used in computing the sign area.

Banner shall mean a sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, or fabric that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners.

Business day shall mean any day during which city government offices are open for public business. For purposes of this Chapter, a "business day" shall not include any day during which city government offices are closed after a partial business day due to a holiday, emergency, inclement weather, or the like.

Beacon Sign shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source, also, any light with one or more beams that rotate or move.

Canopy sign shall mean a sign affixed to, superimposed upon, or painted on any roof or roof-like structure which is extended over a sidewalk, walkway, or vehicle access area.

Changeable copy sign/reader board shall mean a sign that is capable of changing the position or format of word messages or other displays on the sign face or change the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, movable discs, movable panels, light apertures or other methods, provided these changes are actuated by either a control mechanism or manually on the face of the sign.”

City shall mean the City of Dunwoody, Georgia.

Directional sign shall mean any sign placed within five (5) feet of an authorized curb cut.

Director shall mean the director of the Community Development Department, or his/her designee.

Double-faced sign shall mean a sign which has two (2) display areas placed back to back against each other and the interior angle formed by the display areas is less than fifty-nine (59) degrees, where one (1) sign face is designed to be seen from one direction and the other face from another direction.

Electronic sign shall mean a sign whose message may be changed at intervals by electronic process or by remote control, including the device known as a trivision sign or LED sign.

Entrance sign shall mean any ground sign placed at the intersection of a public street and a private entrance into an apartment, office, condominium, church or industrial complex or some other building with multiple residential or commercial units.

Facade shall mean the exterior wall of a building facing any street which provides direct ingress and egress to the lot.

Flag shall mean any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other entity or organization..

Flagpole shall mean a freestanding structure or a structure attached to a building or to the roof of a building on a parcel of record and used for the sole purpose of displaying flags.

Ground sign shall mean a permanent sign designed so the base of the sign face is flush with the supporting base and the supporting base is flush with the ground. Sign shall include a solid, decorative base and may include a decorative frame. The base shall be at least as wide as

the sign and/or frame upon it and a minimum of two (2) feet in height. Decorative based and frame material shall include stone, brick, or stucco. No support posts shall be exposed.

Illegal sign shall mean any sign that was erected in violation of the laws, as they existed at the time the sign permit was issued, or signs that were not built in conformance with the issued permit.

Illuminated sign shall mean a sign that has light cast upon the sign from a source either internal to the sign or from an external light source directed primarily toward such sign. Such source cannot be a device that changes color, flashes or alternates.

LED sign shall mean an electronically controlled sign utilizing light-emitting diodes to form some or all of the sign message.

Lot shall mean a designed parcel, tract, or area of land legally established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon. In addition, a lot shall be a parcel of land that is of sufficient size to meet minimum zoning requirements for lot area, coverage, and use and that can provide such yards and other open spaces as required by the zoning standards.

Lot, substandard shall mean a designated parcel, tract, or area of land created after the time of enactment of this Chapter or amendment of this Chapter which does not meet the lot area; lot width, or public street frontage and access requirements of this Chapter. Such a lot is illegal except where created by governmental action in which case such lot shall have the status of a nonconforming lot of record as defined in the City Zoning Ordinance.

Neon Sign shall mean a sign composed of neon tubing without any protective covering.

Nonconforming sign shall mean any sign which was legal at the time of erection but does not conform to the provisions of this chapter.

Permit shall mean a sign permit reviewed, approved and issued by the City Department of Community Development.

Permittee shall mean the person and/or entity owning or leasing the land on which the sign is erected or for which an application has been submitted.

Person shall mean a natural or legal person, including a firm, organization, partnership, trust and corporation.

Planned commercial center means any commercial, office, industrial or mixed-use development that contains any combination of offices, residences, retail or industrial uses with a common entry from a public street and are managed as a whole and in accordance with all applicable requirements of the Zoning Ordinance.

Portable sign shall mean any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an "A" or "T" frame sign or attached temporarily or permanently to the ground.

Primary facade shall be the facade of the building which is most nearly parallel to the widest street to which the building faces.

Projecting sign shall mean any sign which is attached perpendicular to a building or other structure and extends more than twelve (12) inches horizontally from the plane of the building wall.

Pump-island sign shall mean a sign located under a canopy over pump islands of a service station or convenience store with gas pumps.

Road, accessible shall mean any road or street that provides a means of ingress and egress to the lot.

Street frontage shall mean the lot line that is coincident with any road or street that provides a means of direct ingress and egress to the lot.

Roof sign shall mean a sign attached to or supported by the roof of a building that extends above the immediately adjacent roof line of the building or a sign that is wholly or partially above the roof line of a building or sign attached to the sloping phase of a mansard roof or faux mansard roof.

Rotating sign. See *animated sign*.

Secondary facade shall mean any facade that is not the primary facade.

Sign shall mean a device, fixture, placard, structure or representation that uses any color, form, graphic, illumination, symbol or writing for visual communication which is used for the purpose of bringing the subject thereof to the attention of others. For purposes of this Chapter, the term "sign" shall include the structure upon which a sign face is located. Flags and banners shall be included within this definition only as provided elsewhere herein.

Sign Face shall mean that part of a sign that is or can be used for advertising purposes.

Standard Informational Sign shall mean a sign with a sign face made for short term use, containing no reflecting elements, flags, or projections and which is mounted on a post, stake or metal frame with a thickness or diameter not greater than three and one-half (3 ½) inches.

Store front shall mean the exterior wall of a single, undivided unit located within a planned commercial center or business park.

String Lights shall mean signs consisting in whole or in part of a series, line, or row of lights, whether supported by cables or other physical means, within one hundred fifty (150) feet of a street and visible therefrom. Notwithstanding the foregoing, white holiday lights shall be exempted from this Section and colored holiday lights and decorations displayed not more than thirty (30) days before a holiday shall be exempted from this Section.

Subdivision sign shall mean any ground sign placed at the intersection of two (2) roads, at least one (1) of which is a public road, with the other road being the main thoroughfare into and out of a commercial or residential subdivision.

Suspended sign shall mean a sign securely suspended above a pedestrian passageway from beneath a canopy or awning and oriented perpendicular to the adjacent building facade.

Tri-faced sign shall mean a sign structure with more than two (2) sign faces situated so that each sign face is facing a different direction.

Tri-vision sign shall mean a sign designed with a series of triangular slats that mechanically rotate in sequence with one another to show three different sign messages in rotation.

Wall sign shall mean any sign attached parallel to a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface. No wall sign shall extend more than six (6) inches from any wall, building, or structure.

Window sign shall mean any sign that is placed inside a window within ten (10) feet of a window or upon the window panes or glass, either inside or outside the building, and is visible from the exterior of the structure.

Article II. Administration and Enforcement

Section 1: Permits.

- (a) Except for those signs which may be erected without obtaining a permit, every person desiring to erect a sign in the City shall first obtain a sign permit and all other permits required for the desired structure in accordance with City ordinances.

Section 2: Application Information

- (a) Applications for sign permits required by this Chapter shall be filed by the sign owner or the owner's agent with the Director or his/her designee. The application shall describe and set forth the following:

- (1) The street address of the property upon which the sign is to be located and a plat map of the property which bears an indication of the proposed location of the sign;
 - (2) The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located;
 - (3) Consent of the owner, or the owner's agent, granting permission for the placement or maintenance of the sign;
 - (4) Name, address, phone number and occupational tax certificate number of the sign contractor;
 - (5) The type of sign to be erected, the area of the sign, the height of the sign, the shape of the sign, how the sign is to be illuminated (if at all) and an explanation of how the sign is to be mounted or erected;
 - (6) The size of the lot on which the sign is to be placed;
 - (7) The payment in full of the applicable application fee; and
 - (8) Application for ground signs shall include a site plan drawn to scale, including a closed boundary survey of the property, gross acreage, the proposed location of subject sign, location of all ground signs on the property, entrance driveways from public streets, street rights-of-way, public or private easements, building locations, gross area of buildings and floor area occupied by subject owner or tenants.
- (b) The Director shall develop such forms as may be necessary to facilitate the permit application process.
 - (c) The applicant shall apply for all other permits or licenses required by City ordinances and State laws and regulations. No sign permit shall be valid unless other required permits or licenses have been issued by the authority responsible thereof.
 - (d) Each application shall contain an agreement to indemnify and save and hold harmless the City harmless from all damages, demands or expenses of every character which may in any manner be caused by the sign or sign structure. Each applicant shall present to the Department, upon request, a certificate of liability insurance prior to the issuance of a sign permit.

Section 3: Time for Consideration and Issuance

The Director shall issue permits for all applications meeting the requirements of this Ordinance and all other laws and ordinances regulating signs within the twenty (20) business day

review period provided by this section. Signs not meeting the requirements shall be denied pursuant to the procedure outlined in Section 4. The Director shall give notice to the applicant of his/her decision by hand delivery or first class mail to the address on the permit application on or before the twentieth business day after the Director's receipt of the completed application. If the Director fails to act within the twenty (20)-day period, the permit shall be deemed to have been granted. A sticker or other device bearing the sign permit number shall be affixed to the sign structure.

Section 4: Denial and Revocation

- (a) *Procedure.* The Director shall deny permits to applicants that submit applications for signs that do not comply with the provisions of this Chapter, incomplete applications, and applications containing any false material statements. Violation of any provision of this Chapter and any other applicable State laws or City ordinances governing signs will be grounds for terminating a permit granted by the City for the erection of a sign. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this Chapter, the Director shall revoke the permit. Should the Director deny a permit, the reasons for the denial are to be stated in writing and hand delivered or mailed by certified mail, return receipt requested, to the address on the permit application on or before the twentieth business day after the Director's receipt of the application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of the date of the original submission. No permit shall be denied or revoked, except for due cause as hereinafter defined. "Due cause" is the violation of the provisions of this Chapter, other applicable ordinances, State or Federal law, or the submission of an incomplete application or an application containing false material statements.
- (b) *Appeal.* A rejection pursuant to this Section shall be appealable pursuant to the procedures for Zoning Appeals outlined in the City of Dunwoody Zoning Ordinance. However, notwithstanding the foregoing, a final decision will be rendered within ninety (90) days from date an appeal is filed. If a final decision is not rendered within the ninety (90) day period, the decision sought to be appealed shall be affirmed.
- (c) *Certiorari.* In the event a person whose permit has been denied or revoked is dissatisfied with the decision of the Board of Zoning Appeals, he/she/it may petition for writ of certiorari to the Superior Court of DeKalb County as provided by law.

Section 5: Permit Expiration

A sign permit shall become null and void if the sign for which the permit was issued has not been completed and fully installed within six (6) months after the date of issuance. A sixty (60) day extension may be granted to the six (6) month limit to alleviate hardship upon proof of

hardship beyond the ability of the owner to rectify. No refunds will be made for permit fees paid for permits that expired due to failure to erect a permitted sign. If an individual later desires to erect a sign at the same location, a new application must be processed and another fee paid in accordance with the fee schedule applicable at such time.

Section 6: Enforcement and Penalties

- (a) The Director or his/her designee may issue a citation for violation of this Chapter by any person, including if applicable, the owner, manager or tenant of the lot upon which a sign is located, for a sign erected, altered, maintained, converted, or used in violation of this Chapter or in violation of any other applicable ordinance, including, but not limited to, the building and electrical codes.
- (b) The Director and/or his/her designee shall have the same duties, authority, and obligations regarding access to private property, inspections, including the procurement of inspection warrants provided in Article VI of the City of Dunwoody Zoning Ordinance with regard to the enforcement of this Chapter.
- (c) Any person violating any provision of this Chapter shall be guilty of an offense and upon conviction, shall be subject to the general penalty provided in Chapter 1 of the City Code. Each sign installed, created, erected or maintained in violation of this Chapter shall be considered a separate violation, and each day of a continued violation for each sign shall be considered a separate violation when applying the penalties authorized in the City Code.
- (d) The City may seek affirmative equitable relief in a court of competent jurisdiction to cause the removal or repair of any sign in violation of this Chapter or other City ordinances.
- (e) The Director or designee may remove any sign or structure illegally placed upon a public right-of-way without any notice and may dispose of said sign or structure by taking it to any landfill. Such removal and disposal of illegally placed signs shall not preclude the prosecution of any person for illegally placing such signs in the public right-of-way.

Section 7: City Occupation Tax Certificate; Public Liability Insurance Required

It shall be unlawful for any person to engage in the business of erecting or maintaining signs within the City unless and until such entity shall have obtained a City occupation tax certificate and a certificate of insurance from an insurance company authorized to do business in the state evidencing that the entity has in effect public liability and property damage insurance in the sum of twenty-five thousand dollars (\$25,000.00) for property damage for any one (1) claim, and public liability insurance in an amount not less than one hundred thousand dollars (\$100,000.00) for injuries, including accidental death to one (1) person. The certificate of insurance shall state that the insurance carrier shall notify the City thirty (30) days in advance of

any termination and/or restriction of the coverage, including nonrenewal, cancellation, and nonpayment of any premium.

Section 8: Fees.

The cost of a sign permit shall be established by Resolution of the City Council and collected by the Director.

Article III. Regulations and Restrictions

Section 1: Exemptions from permit requirements.

The following signs shall be exempt from the permit requirements of Article II, Section 1 above; provided, however, that such signs shall be subject to all other provisions of this Chapter:

- (1) Window signs;
- (2) Door signs not to exceed one (1) square foot in size and not more than one (1) sign per door;
- (3) One (1) suspended sign per tenant of a multi-tenant building when the area of the sign is less than six (6) square feet per side;
- (4) Address numerals no higher than four (4) inches in residential districts and 10 inches in non-residential districts erected for the sole purpose of displaying street numbers as may be required by other ordinances and other signs required by law;
- (5) Flags as provided in Sections 19 of this Article; and
- (6) Non-governmental traffic control devices in or adjacent to parking areas and driveways and signs located at railroad crossings.
- (7) Standard Informational Signs meeting the standards of this Chapter.

Section 3: Prohibited Signs

The following types of signs are prohibited throughout the City:

- (1) Signs on public rights-of-way other than publicly owned or maintained signs and signs pertaining to railroad crossings;
- (2) Window signs which exceed thirty (30) percent of the window area;

- (3) Signs that contain words, pictures, or statements which are obscene, as defined by O.C.G.A. § 16-12-80, as amended;
- (4) Signs that simulate an official traffic control device, warning sign, or regulatory sign or which hide from view any traffic control device, signal or public service sign, except as allowed by Article III, Section 1(b)(6) above;
- (5) Signs that emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing abilities;
- (6) Signs that interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic or which otherwise pose a hazard to traffic due to structural deficiencies in the structure of such signs;
- (7) Signs erected by nailing, fastening or affixing the sign in any manner to any tree, curb, utility pole, natural feature, or other structure;
- (8) Signs that obstruct any fire escape, any means of egress or ventilation or shall prevent free passage from one part of a roof to any other part thereof, as well as signs attached to any fire escape;
- (9) Signs that do not conform to City building and electrical codes;
- (10) Signs for which a permit is required that do not display the sign permit number and the name and address of the person responsible for erecting and maintaining the sign;
- (11) Roof signs;
- (12) Tri-faced signs;
- (13) Signs that are in violation of the rules and regulations of any zoning overlay district presently existing or as may later be enacted;
- (14) Any sign constructed of non-durable material including, but not limited to, paper, cardboard or flexible plastic that has been displayed for more than sixty (60) days. Nothing herein shall prohibit such a sign from being replaced. This provision does not apply to flags and banners which are governed by Sections 19 and 20;
- (15) Portable signs;
- (16) Abandoned or Dilapidated signs;
- (17) Any sign that is structurally unsound, or is a hazard to traffic or pedestrians;
- (18) Animated sign;

- (19) Electronic Sign;
- (20) Beacon Sign;
- (21) LED Sign;
- (22) Changeable copy sign/reader board.
- (23) String Lights
- (24) Balloons, streamers or air or gas filled figures.
- (25) Neon window signs larger than 3 square feet
- (26) Tri-vision sign

Section 4: Owner's Consent Required

No sign may be permitted or posted on property without the consent of the property's owner or authorized agent. Should it be determined that a sign was erected on a lot pursuant to an alleged agent's incorrect representation that the record owner of the lot in fact gave permission for the erection of a sign, the permit for such sign shall be revoked as provided in Article II, Section 4 herein.

Section 5: Restrictions in Residential Zoning Districts

The following regulations shall pertain to lots located in residential zoning districts:

- (1) Lots used for residential purposes other than for apartments, condominium, mobile home, or townhouse developments shall not have an aggregate sign area greater than twenty-four (24) square feet per lot. Flags and banners shall not be included in the calculation of aggregate sign area. Subdivision and entrance signs shall not be included in the calculation of aggregate sign area;
- (2) Lots used for apartments, condominiums, mobile homes, or townhouse developments shall not have an aggregate sign area exceeding six (6) square feet per unit, not to exceed an aggregate of one hundred (100) square feet for the development;
- (3) There shall be a maximum of two (2) subdivision/entrance signs per entrance into any residential subdivision or real estate development in a residential district;
- (4) Ground signs and standard informational signs having a height of greater than six (6) feet above the grade level of the adjacent street to which the lot on which the

sign is located as measured from the top of the sign, pole or support included, or three (3) feet above ground level, as measured from the top of the sign, pole, or support structure to ground level, whichever is greater, are prohibited, with the exception of subdivision signs and entrance signs;

- (5) No sign in any residentially zoned district may be illuminated, except for subdivision and entrance signs, subject to the provisions of Article III, Section 15 hereof. No subdivision or entrance sign may be internally illuminated;
- (6) No single sign in a residential zoning district governed by this section, except for flags, banners, subdivision signs and entrance signs, may exceed six (6) square feet in size;
- (7) Subdivision and entrance signs shall not exceed thirty-two (32) square feet of sign area, excluding the base, and shall not exceed eight (8) feet in height;
- (8) Should any new zoning district be created that incorporates any residential use, this section shall apply to such new district unless otherwise stated in the ordinance creating the new zoning district.

Section 6: Height and Setback Requirements

- (a) All signs shall be set back as follows:
 - (1) Ten (10) feet from the curb line of each street adjacent to the lot upon which the sign is situated where an authorized curb cut exists; (applicable to all zoning districts);
 - (2) If the right-of-way is more than ten (10) feet from the curb line as described in (1) above, the sign, including its footing or foundations, shall be setback at least one (1) foot from the right-of-way (applicable to all zoning districts);
 - (3) In a residential zoning district, if the distance between the right of way to the front of the principal structure is less than fifteen (15) feet, signs shall be setback two-thirds (2/3) of the distance between the curblines and the front of the principal structure on the lot on which the sign is located;
 - (4) Along all lot lines which are not adjacent to a road with an authorized curb cut, any and all signs shall be within the buildable area of the lot. All signs shall be so located and shall provide such vertical clearance as to provide for safe, convenient and unobstructed passage for pedestrians and vehicles.

- (b) No sign or sign structure above a height of three (3) feet shall be maintained within fifteen (15) feet of the intersection of the right-of-way lines extended of two (2) streets, or of a street intersection with a railroad right-of-way. However, a sign support structure not more than ten (10) inches in diameter may be located within the required corner visibility area if all other requirements of this Chapter are met and the lowest elevation of the sign surface is at least twelve (12) feet above the ground level.
- (c) Window signs are only allowed on the ground floor of a commercial building.
- (d) Also see regulations in Section 10 below.

Section 7: Convenience Stores and Service Stations with Pump Islands

In addition to the signs otherwise allowed in this Chapter, convenience stores and service stations with pump islands may have signage subject to the following limitations:

- (a) Within the limits of the canopy covering the pump islands, one (1) sign per canopy face per public street frontage with a maximum of six (6) square feet.
- (b) Within the limits of the canopy covering the pump islands, pump-island signs shall be limited to no more than two (2) signs per island, not to exceed four (4) square feet per sign. However, total square footage of all pump island signs shall not exceed twenty-four (24) square feet.
- (c) Accessory car wash, if a separate drive-through car wash building is on site, one (1) additional wall sign per face of car wash, not to exceed five (5) square feet, may be permitted.

Section 8: Non-Commercial Messages

Any sign provided for in any zoning district may contain non-commercial messages. In addition, during a political election, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of standard informational signs as defined in Article I, Section 2 of this Chapter.

Section 9: Wall or Projecting Signs

- (a) Wall or projecting signs shall be securely fastened to the building surface.
- (b) No wall sign greater than one hundred eighty (180) square feet shall be placed below the twelfth story of a building.
- (c) Projecting signs may project from the building up to two (2) feet; provided that no projecting sign shall be maintained less than ten (10) feet above the ground level.

when erected over pedestrian walkways or driveways and no less than fourteen (14) feet above vehicle access.

- (d) No wall or projecting sign shall extend above the parapet wall.
- (e) Wall or Projecting Signs are prohibited in residential districts.

Section 10: Ground Signs

- (a) The height of all ground signs at their highest point above the level of the ground shall not exceed twenty (20) feet in non-residentially zoned districts; however, when the ground level is lower than the level of the adjoining street pavement, then a sign may be raised so as to be no more than twenty (20) feet above the center line of street. Residentially zoned districts shall be governed by Article III, Section 5 above. The level of the ground shall not be altered in such a way to provide additional sign height. Ground signs shall be measured from the ground level base of the sign structure (deemed to include any skirting) to the highest point of the sign.
- (b) The height of any directional sign shall not be more than three (3) feet above the ground and not more than 6 Square Feet.
- (c) All ground signs allowed for primary facades shall place between the primary facade and the street the primary facade faces.
- (d) All ground signs allowed for secondary facades shall place between the secondary facade and the street the secondary facade faces.

Section 11: Canopy Signs

Canopy signs are permitted in non-residential districts and shall be no less than eight (8) feet above the ground when erected over pedestrian walkways and fourteen (14) feet above areas of vehicle service access at the lowest extremity of the sign. No canopy sign shall extend above the parapet wall.

Section 12: Non-Residential Zoning District Regulations

- (a) In addition to all other applicable regulations in this Chapter, all lots that are located in non-residential districts not developed as a planned commercial center are limited to the following signs:

TABLE INSET:

	Ground Sign	Canopy or Wall Sign	Projecting Sign	Directional Sign	Entrance Sign	Subdivisi on Sign	Window Sign	Standard Informati onal Sign
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Max Height	20 feet	N/A	20 feet or height of building	3 feet	8 feet	12 feet	N/A	10 feet
Max Width	15 feet	80% of the Wall or Canopy Width	N/A	3 feet	8 feet	15 feet	N/A	N/A
Max sq. ft.	160	30 sq. ft. or 4 sq. ft. per linear foot of the wall or canopy, whichever is greater, up to a maximum of 150 sq. ft. for buildings under 12 stories and up to 500 sq. ft. for buildings 21 stories or more (See Article III, Section 9(b))	40 feet	6 feet	32 feet	100 feet	10% of the window space	16 feet
Max number allowed	1/ façade	1 sign per business entity or tenant	1/primary façade and 1/secondary façade	2/ authorized curb cut	1/ entrance	1/ subdivision	N/A	1 per lot
Max projection from structure	N/A	6 feet	2 feet	N/A	N/A	N/A	N/A	N/A
Required setback from electrical transmission lines	10 feet	N/A	0 feet	10 feet	N/A	10 feet	N/A	10 feet

- (b) In lieu of the sign regulations of Table (a) above, a lot located in a non-residential district and developed as a planned commercial center shall be allowed the following:

TABLE INSET:

	Ground Sign	Canopy or Wall Sign	Directional Sign	Entrance Sign	Window Sign	Standard Informational Sign
Maximum height	20 feet	N/A	3 feet	8 feet	N/A	10 feet
Maximum Width	20 feet	80% of the wall or canopy width	3 feet	8 feet	N/A	N/A
Max. sq. ft.	200	30 sq. ft. or 4 sq. ft. per linear foot of the wall or canopy, whichever is greater, up to a maximum of 150 sq. ft. for buildings under 12 stories and up to 500 sq. ft. for buildings 12 stories or more (See Article III, Section 9(b))	6	32	30% of the window space for buildings under 50,000 sq. ft.; 10 % of the window area for buildings 50,000 sq. ft. or over	16 feet
Maximum number allowed	1 sign per business entity or tenant	1/primary façade and 1/secondary façade	2/authorized curb cut	1/entrance	N/A	1 per lot
Maximum projection from	N/A	6 feet	2 feet	N/A	N/A	N/A

structure						
Required setback from electrical transmission lines	10 feet	N/A	0 feet	10 feet	N/A	10 feet

- (c) No property zoned for non-residential use may have more than one (1) ground sign that is oriented towards travelers along the same street.
- (d) In addition to those regulations set forth in subsection (a) and (b) above, no person may maintain a lot zoned for commercial use where the aggregate sign area exceeds four hundred fifty (450) square feet, or two (2) square feet of signage for each one hundred (100) square feet of floor area, whichever is greater, regardless of the construction, placement or type of sign or signs.

Section 14: Nonconforming Signs

- (a) Maintenance.

A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on nonconforming signs shall be permitted. All nonconforming signs shall be maintained in good repair.

- (b) Repairs; Material Change.

Minor repairs and maintenance of nonconforming signs shall be permitted. Provided, however, no structural repairs or changes in the size or shape of a nonconforming sign shall be permitted except to make the sign comply with the standards of this Article. To the extent that any sign allowable hereunder is damaged or destroyed by act of God or by other circumstances beyond control of owner of the sign then such sign may be repaired without regard to the restrictions of this paragraph.

- (c) Grandfathering

Subject to the restrictions of this paragraph, a nonconforming sign may be used, but not expanded nor improved unless the sign is made conforming. Nonconforming signs are subject to the maintenance requirements of this Chapter and may be subject to removal for violations of maintenance standards. No structural repairs or change in shape or size of a nonconforming sign shall be permitted except to make the sign comply with all standards of this Chapter,

provided that a nonconforming sign damages or destroyed by act of God or by other circumstances beyond the control of the owner of the sign may be repaired without regard to the restrictions of this paragraph.

Section 15: Illumination

Internally and externally illuminated signs shall not exceed twenty (20) foot candles of light at a distance of ten (10) feet from such structure. All exterior light fixtures shall be ground mounted and no more than 2 fixtures per side. The light from an illuminated sign shall be established in such a way that no direct light is cast upon adjacent properties and roadways. No illuminated sign shall be constructed or maintained within seventy-five (75) feet of any single-family lot property line.

Section 16: Building Code

To the extent that it is not inconsistent with this Chapter, the present edition of the Standard Building Code, National Electric Code and other building and construction codes as adopted and modified by the City and the Georgia Department of Community Affairs are incorporated as a part of this Chapter as if fully restated herein for the same purposes stated in Article I, Section 1 hereof and for the same purposes for which the Standard Building Code was promulgated and enacted, which purposes are expressly incorporated herein.

Section 17: Zoning Ordinance

Except as provided elsewhere in this section, to the extent that it is not inconsistent with this Chapter, the City of Dunwoody Zoning Ordinance, as amended including, but not limited to, definitions of terms contained therein, is incorporated as a part of this Chapter as if fully restated herein for the same purposes stated in Article I, Section 1 hereof and for the same purposes for which the Zoning Ordinance, and any amendments thereto, were adopted, which purposes are expressly incorporated herein. However, to the extent that any regulations governing any zoning overlay district now existing or later enacted conflict with this Article, the rules of the zoning overlay district shall control.

Section 18: Variances

- (a) Where a literal application of this Article, due to special circumstances, would result in an unusual hardship in an individual case, a variance may be granted by the Board of Zoning Appeals after receiving evidence that the applicant meets all of the following criteria:
 - (1) Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area;

- (2) Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;
 - (3) The exceptional circumstances are not the result of action by the applicant;
 - (4) The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;
 - (5) Granting of the variance would not violate more than one (1) standard of this Article; and
 - (6) Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.
- (b) No variance shall be granted to the height of a sign or the aggregate area of signs permitted on a lot.
 - (c) No variance shall be granted which increases the size of a sign more than twenty (20) percent of that allowed by this Chapter.

Section 19: Flags

- (a) All flags shall be displayed on flagpoles, which may be vertical or mast arm flagpoles. In non-residential districts, flagpoles shall not exceed the height allowed in the applicable zoning district, or sixty (60) feet, whichever is less. Flagpoles in residential districts shall not exceed twenty-five (25) feet in height or the height of the primary structure on the lot, whichever is less.
- (b) The maximum dimensions of any flag shall be proportional to the flagpole height. The hoist side of the flag shall not exceed twenty (20) percent of the vertical height of the flagpole. In addition, flags are subject to the following limitations:

TABLE INSET:

Pole Height (feet)	Flag Size Maximum (total square feet)
Up to 25	24
25 – 39	40
40 – 49	60
50 – 60	96

- (c) Each lot shall be allowed a maximum of three (3) flagpoles.
- (d) A maximum of two (2) flags shall be allowed per flagpole.

- (e) A vertical flagpole must be set back from all property boundaries a distance which is at least equal to the height of the flagpole.
- (f) Flags and flagpoles shall be maintained in good repair, and to the extent applicable shall be in compliance with the building code. Flagpoles with broken halyards shall not be used and flags which are torn or frayed shall not be displayed.
- (g) On officially designated City, State, or Federal holidays, there shall be no maximum flag size or number or other limitations on display.
- (h) This section shall not be construed to restrict the right to display eligible flags as banners as provided elsewhere in this Article.

Section 20: Banners

- (a) Banners shall conform to the following standards:
 - (1) Each banner shall not exceed twenty-four (24) square feet;
 - (2) Each banner must be individually attached to poles, mast arms, or other structures;
 - (3) No more than two (2) banners shall be displayed on any lot at one (1) time; and
 - (4) All banners must be maintained in good condition as provided for flags in Section 19 above.
 - (5) No banner shall be displayed for more than fourteen (14) days, with no more than three (3) such fourteen (14) day periods being permitted per calendar year per lot.

Section 21: Severability

Should any article, section, clause, or provision of this Chapter be declared by a court of competent jurisdiction to be invalid or unconstitutional, such action shall not affect the validity of the ordinance as a whole or any part hereof other than the part so declared to be invalid or unconstitutional, it being the intent of the City Council of the City of Dunwoody that each article, section, clause, and provision hereof be severable.

STATE OF GEORGIA

COUNTY OF DEKALB

ORDINANCE NO. 2009-01-09

AN ORDINANCE TO RE-ADOPT AND RE-APPROVE CHAPTER 21, SIGNS, PROVIDING FOR INCLUSION AND IDENTIFICATION IN THE CODE OF ORDINANCES FOR THE CITY OF DUNWOODY, GEORGIA TO BE REFERENCED IN THE FUTURE AS CHAPTER 21 (SIGNS) AS ATTACHED HERETO AND INCORPORATED HEREIN

WHEREAS: City of Dunwoody passed Ordinance 2008-12-47, adopting and approving Chapter 21, Signs, on December 18, 2008; and,

WHEREAS: The City desires to re-adopt Chapter 21, Signs, as attached hereto and incorporated herein; and,

WHEREAS: This Ordinance shall be designated as Chapter 21 of the Code of Ordinances of the City of Dunwoody, Georgia; and

WHEREAS, A second read and a properly advertised Public Hearing has been held on January 26, 2009 pursuant to the Zoning Procedures Act, O.C.G.A. § 36-66-1 et. seq., prior to the re-adoption of this Ordinance; and

WHEREAS: This Ordinance shall become effective upon its adoption.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF DUNWOODY HEREBY ORDAINS that Chapter 21, Signs, is hereby re-adopted and re-approved as part of the Code of Ordinances for the City of Dunwoody, Georgia. Any ordinance in conflict with this ordinance is hereby repealed.

SO ORDAINED AND EFFECTIVE this the 26th day of January, 2009.

Approved:

Ken Wright, Mayor

Attest:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

Brian Anderson, City Attorney

January 23, 2009

Mr. Warren Hutmacher
City Manager
City of Dunwoody
400 Northridge Road, Suite 1250
Atlanta, GA 30350

**Re: City of Dunwoody
Dunwoody, Georgia
Summary of Services to the City of Dunwoody for the period October through
December 2008**

Beginning on October 16, 2008 Boyken International provided Start-up Project Management and Consulting Services to Dunwoody to manage the process of establishing an independently operational City by December 1, 2008.

SCOPE OF SERVICES / EXECUTION

From mid October through December 31, 2008 Boyken International provided the services that were necessary to organize and manage the start-up functions for the creation of the various City Services departments. Boyken International identified the needed functions, retained the proper personnel and vendors and organized the new City staff/vendors with City operations in place and reporting to the City Manager working within a very ambitious and compressed timeframe.

To enable this process, the Mayor and City Council appointed a Steering Committee in early November 2008 assigning Councilman Denis Shortal as the Chairman of this Steering Committee. Council Shortal was Boyken's principal point of contact in conjunction with the City Attorney and continued in this capacity until the City Manager was identified and started working for the City full time. Boyken International worked under the direction of the Steering Committee and the City Manager to accomplish the following activities:

City Operations

- Researched and utilized shared information from other local municipalities as a basis for the development of processes and procedures, thereby creating Best Practices criteria for the City.

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- Worked with an outside vendor to establish an immediate system for sending out notices and receiving tax collections for time sensitive City tax areas that could not wait until after the Finance and Administration department vendor was under contract.
- Initiated operating processes and procedures for the following key City positions and necessary support staff:
 - Municipal Court Clerk
 - City Clerk
 - Finance and Administration Director
 - Community Development Director
 - Public Works Director
 - Code Enforcement Officials
- Developed the RFP process to select a bank for the city to employ in order to conduct business, provide checking account facilities and financing for the city. Secured signature cards and other bank documents to set up the City bank accounts. Boyken International acted as banker for the city by advancing monies to the City to fund certain accounts on an interim basis as well as securing financing for computers, network equipment, telephones, printers, and multifunction copiers
- Boyken International worked with outside council to develop the Tax Anticipation Note (TAN) documents, assisted in negotiation with the bank, established the City's cash flow and worked with the City Manager on the budget in order to maximize the TAN values. Worked with the bank and the attorneys to finalize the legal documents and secure the proper signatures enabling the City to borrow the funds.
- Using city procedures developed from other similar municipalities, Boyken International developed Organizational Charts and the Scope of Work for four separate bid packages that were presented to qualified vendors as Requests for Proposals (RFP's) to bid on the City Services contracts. The four RFP's included the following four departmental areas:
 - Finance and Administration
 - Community Development
 - Public Works
 - Banking Services

- After the RFP's were posted on several public forums via the internet, Boyken International initiated pre-bid meetings with the prospective vendors to answer questions and begin the interaction process between the City and the vendors that would eventually take over the management of the City Services.
- After all of the vendor proposals were received, Boyken International developed a ranking system to identify the "short list" of the most qualified firms for each of the departments and arranged for the interviews and presentations of each of the short listed vendor firms along with the City's Steering Committee and City Manager.
- After the vendor presentations, a separate ranking process was utilized to identify the most qualified vendor firm for each department based on their presentations and through the scoring system completed by the Steering Committee and City Manager.
- Boyken International drafted memorandums of understanding enabling the vendors to start work while contracts were prepared and final negotiations were conducted with each of the vendors. After the official start-up of the City on December 1, 2008 Boyken International assisted with developing and negotiating the Final Contracts with each of the vendor firms.

Temporary City Hall Facility

- In conjunction with the RFP process Boyken International arranged for a sublease agreement and set up a temporary City Hall and Police Station to be available for the City's employees and departmental vendor firms from the official start-up date on December 1, 2008 until the permanent City Hall and Police Station facilities are established during the 2nd Quarter of 2009.
- Worked with the City Council members, Mayor, and City Manager to establish the Information Technology (IT) system parameters and develop a recommendation for the IT system to support the city's functions. Boyken International also worked with the City's IT vendor (once under contract) and implemented the approved system design for telephones; data input and sharing; record keeping; work order processing and other necessary functions. An email system was initially set up in October for the City Council, Mayor, and City Attorney to communicate effectively with their citizens and each other. The system was later expanded to support all City staff.

- Worked with the City Manager to establish the City's operational procedures and systems to support the City Hall office operations, City Clerk's office, and the development of the Municipal Court.
- Boyken International's IT professionals also purchased and set up the central phone system operation which was operational with human representation beginning at 7:30am on December 1, 2008. An electronic phone answering system was also established for off duty hours after 6:30pm or as adjusted by the City Manager. Additionally, Boyken International's IT professionals purchased and set up hand held communication devices and computers for the core City Staff comprised of a mix of elected officials, City Manager, City staff and City Vendors in the Finance and Administration, Community Development, and Public Works departments.
- Their IT professionals also set up and installed a ticket tracking system to ensure citizen requests were tracked until completed and the citizen then received a call back to acknowledge completion of the task.
- After the temporary City Hall was established, Boyken International assisted with the initial Human Resources needs of the City by creating a staffing plan, job descriptions, recruiting and hiring key City positions, developing employee policies and procedures, developing a recommended employee benefits package.
- Boyken International also worked with the selected Finance and Administration vendor to begin establishing the city accounting system and procedures for invoicing and payments, as well as establishing a payroll processing system.

Assisted in hiring of City Staff Members

- Boyken International's HR staff worked with the City Manager in collecting resumes, providing preliminary reviews and establishing the interview schedules. Also supported the City Manager by securing background checks prior to hiring employees.
- Boyken International's HR staff assisted the City Manager with his search for a Police Chief by organizing the interviews, supervising the completion of the interview questionnaire and provided additional support as requested by the City Manager.

Ongoing Boyken International Activities

During 2009 Boyken International has been and will continue to manage lease negotiations, space design, associated procurement of fit-out materials, and fit-out of the “permanent” City Hall and Police Station facilities

Boyken International is also developing a comprehensive set of Policies and Procedures Manuals which will set the standards for all City operations going forward.

In conclusion, Boyken International successfully coordinated and managed all activities as listed above as required to ensure that the City of Dunwoody met the Mayor and City Council’s charge of establishing a partially operational City on December 1, 2008, and later becoming fully operational on January 1, 2009. Boyken is continuing to work with the City Manager and Police Chief to see that the Police Department will be in place by April 1, 2009. By setting up and establishing external private vendors to manage and run the various City departments, Boyken International, has assisted the City in the significant savings to the City budget of approximately \$3 million dollars in just the first year of the City’s operation alone.

Sincerely,

Boyken International, Inc.

A handwritten signature in dark ink, appearing to read 'J. S. Jones', written in a cursive style.

Jeffrey S. Jones, PE, CCE
Senior Project Manager



CITY OF DUNWOODY

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www.dunwoodyga.gov

MEMORANDUM

To: Honorable Mayor and City Council

From: Warren Hutmacher, City Manager

Date: January 22, 2009

Subject: Boyken Contract Update

Pursuant to the direction of the Mayor and Council, this memorandum shows the costs incurred as of December 31st, 2008 as per the City's contract with Boyken International.

Cost as of December 31st, 2008 \$280,810

Status Update: Boyken personnel are currently working on the following projects for the City:

- Municipal Court setup
- City Hall build out
- Compilation of policies and procedures

Please let me know if you have any questions.



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MEMORANDUM

To: Honorable Mayor and City Council

From: Sharon Lowery, City Clerk

Date: January 23, 2009

Subject: Comcast of Georgia Franchise Agreement

The Comcast of Georgia Franchise Agreement has not been finalized. Andy Macke, Vice President of Governmental and Community Affairs with Comcast of Georgia, will be in attendance at Monday night's meeting to answer any questions of Mayor and Council.

RESOLUTION 2009-01-11

**A RESOLUTION TO APPOINT THE MEMBERS OF THE PLANNING COMMISSION FOR
THE CITY OF DUNWOODY, GEORGIA**

WHEREAS, the City of Dunwoody is authorized by the City Charter to create boards, commissions and authorities as the Mayor and City Council deem necessary; and

WHEREAS, the Mayor and City Council previously adopted Chapter 2 (“Administration”) of the City Code of Ordinances which calls for the creation of the Planning Commission; and

WHEREAS, the Planning Commission shall serve as a recommending body to the Mayor and Council and will utilize the regulatory tools established in the City of Dunwoody Zoning Ordinance to uphold and implement the visions of the City of Dunwoody; and

WHEREAS, the Mayor of the City of Dunwoody is authorized with confirmation from the City Council to appoint the following seven (7) persons to the Planning Commission for the City of Dunwoody, and at the following terms of office for each member, which initial terms are authorized to be staggered by Chapter 2 of the City Code:

Bob Lundsten, 2 years

Bob Dallas, 2 years

Paul Player, 2 years

Bill Grossman, 2 years

Lynn Deutsch, 4 years

Kirk Anders, 4 years

Don Converse, 4 years; and

WHEREAS, this Resolution shall become effective upon its adoption.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Dunwoody while in regular session on January 26, 2009 at 7:00pm, that the persons herein named are appointed as members of the Planning Commission for the designated terms.

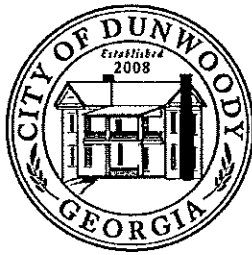
Approved:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk

(SEAL)



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MEMORANDUM

To: Honorable Mayor and City Council

From: Community Development Department

Date: January 26, 2009

Subject: Annual Schedule for Planning Commission

For consideration by the Dunwoody Mayor & Council:

Pursuant to the city Zoning Ordinance, §5A-6 "Filing of Applications", the annual schedule for actions to be heard in front of the Dunwoody Planning Commission must be prepared by the Planning Department and subsequently approved by the Mayor & Council.

The text of the Zoning Ordinance reads, in part:

"(a) All applications for amendments to the comprehensive plan land use maps and the official zoning map shall be filed with the director of planning on forms provided by the department of planning. The processing of said applications shall be based upon an annual schedule prepared by the department of planning and adopted by the City Council..."

The Community Development Department requests that the attached annual schedule be approved in accordance with the above ordinance.

[illegible]

**A RESOLUTION TO APPOINT THE MEMBERS OF THE BOARD OF ZONING APPEALS
FOR THE CITY OF DUNWOODY, GEORGIA**

WHEREAS, the City of Dunwoody is authorized by the City Charter to create boards, commissions and authorities as the Mayor and City Council deem necessary; and

WHEREAS, the Mayor and City Council previously adopted Chapter 2 (“Administration”) of the City Code of Ordinances which calls for the creation of the Board of Zoning Appeals; and

WHEREAS, the Board of Zoning Appeals shall serve as a deciding body which will consider certain variance applications, special exceptions, appeals and other functions as delineated by the City of Dunwoody Zoning Ordinance and other applicable chapters of the City Code and will utilize the regulatory tools established in the City of Dunwoody Zoning Ordinance to uphold and implement its functions; and

WHEREAS, the Mayor of the City of Dunwoody is authorized with confirmation from the City Council to appoint the following seven (7) persons to the Board of Zoning Appeals for the City of Dunwoody, and at the following terms of office for each member, which initial terms are authorized to be staggered by Chapter 2 of the City Code:

- **Arty Bastien, 2 years**
- **Joe Tuttle, 2 years**
- **Ed Godshall, 2 years**
- **Richard Ottness, 2 years**
- **Geri Penn, 4 years**
- **Dale Wartluft, 4 years**
- **Susan Mitchell, 4 years; and**

WHEREAS, this Resolution shall become effective upon its adoption.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Dunwoody while in regular session on January 26, 2009 at 7:00pm, that the persons herein named are appointed as members of the Board of Zoning Appeals for the designated terms.

Approved:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk

(SEAL)

RESOLUTION 2009-01-13

**A RESOLUTION TO APPOINT THE MEMBERS OF THE BOARD OF ETHICS FOR THE
CITY OF DUNWOODY, GEORGIA**

WHEREAS, the City of Dunwoody is authorized by the City Charter to create boards, commissions and authorities as the Mayor and City Council deem necessary; and

WHEREAS, the Mayor and City Council previously adopted Chapter 9 (“Ethics”) of the City Code of Ordinances which calls for the creation of the Board of Ethics; and

WHEREAS, the Board of Ethics shall serve as a hearing body of the City pursuant to the terms of Article 2 of Chapter 9 of the City of Dunwoody Code of Ordinances and shall serve to implement its function in accordance with the City of Dunwoody Code; and

WHEREAS, the Mayor of the City of Dunwoody is authorized with confirmation from the City Council to appoint the following five (5) persons to the Board of Ethics, and at the following terms of office for each member, which initial terms shall be staggered pursuant to the terms of Chapter 9 of the City Code:

Janet Webb, 1 year
Wade Wright, 1 year
John Francis, 3 years
Steven A. Blaske, 3 years
Wade McGuffey, 3 years;and

WHEREAS, this Resolution shall become effective upon its adoption.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Dunwoody while in regular session on January 26, 2009 at 7:00pm, that the persons herein named are appointed as members of the City of Dunwoody Board of Ethics for the designated terms.

Approved:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk

(SEAL)

RESOLUTION 2009-01-14

**A RESOLUTION TO APPOINT THE MEMBERS OF THE CONSTRUCTION BOARD OF
ADJUSTMENTS AND APPEALS FOR THE CITY OF DUNWOODY, GEORGIA**

WHEREAS, the City of Dunwoody is authorized by the City Charter to create boards, commissions and authorities as the Mayor and City Council deem necessary; and

WHEREAS, the Mayor and City Council previously adopted Chapter 2 ("Administration") of the City Code of Ordinances which calls for the creation of the Construction Board of Adjustments and Appeals; and

WHEREAS, the Construction Board of Adjustments and Appeals shall serve as a deciding body which will consider appeals from adverse decisions of the Building Official of the City and to consider certain variances pursuant to the provisions of Chapter 7 ("Building Code") of the City of Dunwoody Code of Ordinances and will utilize the regulatory tools established in Chapter 7 of the City Code to uphold and implement its functions; and

WHEREAS, the Mayor of the City of Dunwoody is authorized with confirmation from the City Council to appoint the following five (5) persons to the Construction Board of Adjustments and Appeals for the City of Dunwoody, and at the following terms of office for each member, which initial terms are authorized to be staggered by Chapter 2 of the City Code:

Janet Webb, 2 years

Wade Wright, 2 years

John Francis, 4 years

Steven A. Blaske, 4 years

Wade McGuffey, 4 years; and

WHEREAS, this Resolution shall become effective upon its adoption.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Dunwoody while in regular session on January 26, 2009 at 7:00pm, that the persons herein named are appointed as members of the Construction Board of Adjustments and Appeals for the designated terms.

Approved:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk

(SEAL)

RESOLUTION 2009-01-15

**A RESOLUTION TO APPOINT THE MEMBERS OF THE ALCOHOL LICENSE REVIEW
BOARD FOR THE CITY OF DUNWOODY, GEORGIA**

WHEREAS, the City of Dunwoody is authorized by the City Charter to create boards, commissions and authorities as the Mayor and City Council deem necessary; and

WHEREAS, the Mayor and City Council previously adopted Chapter 2 (“Administration”) of the City Code of Ordinances which calls for the creation of the Alcohol License Review Board; and

WHEREAS, the Alcohol License Review Board shall serve as a deciding body which will consider appeals from denials or suspensions of alcohol licenses pursuant to the provisions of Chapter 4 (“Alcohol Beverages”) of the City of Dunwoody Code of Ordinances and will utilize the regulatory tools established in Chapter 4 of the City Code to uphold and implement its functions; and

WHEREAS, the Mayor of the City of Dunwoody is authorized with confirmation from the City Council to appoint the following five (5) persons to the Alcohol License Review Board for the City of Dunwoody, and at the following terms of office for each member, which initial terms are authorized to be staggered by Chapter 2 of the City Code:

Janet Webb, 2 years
Wade Wright, 2 years
John Francis, 4 years
Steven A. Blaske, 4 years
Wade McGuffey, 4 years; and

WHEREAS, this Resolution shall become effective upon its adoption.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Dunwoody while in regular session on January 26, 2009 at 7:00pm, that the persons herein named are appointed as members of the Alcohol License Review Board for the designated terms.

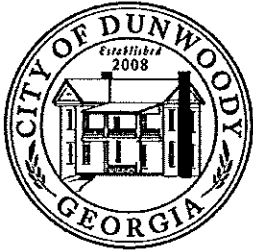
Approved:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk

(SEAL)



CITY OF DUNWOODY

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MEMORANDUM

To: Warren Hutmacher, City Manager

From: Roma Rowland, Director of Human Resources

Date: January 23, 2009

Subject: Authorization for the City Manager to establish a comprehensive benefits plan for the City of Dunwoody

Staff Recommendation:

Staff recommends that the City Manager establish the proposed comprehensive benefits plan for the employees of the City of Dunwoody.

Background:

The City of Dunwoody will establish a comprehensive benefits program for City of Dunwoody employees. As a general recruiting strategy to attract the best employees, it is imperative to design an attractive, competitive benefits package, while remaining fiscally responsible to the citizens.

Discussion:

An analysis of what other cities are doing in surrounding areas was done and staff closely examined what each vendor could do in providing not only the best rates and product, but also the best in customer service. By utilizing different vendors to provide different benefits, the City will be able to maximize their strengths and ability to remain competitive, and provide the best services to the employees of the City.

Alternatives:

The City of Dunwoody will continue to attempt to convince quality employees to leave their current employer and benefits, without being able to demonstrate a competitive package with the City.

Financial Impact:

The benefits package presented is well within the adopted budget. A comprehensive benefits package is a critical component of the Police staffing path. Delay in adopting a package or failure to adopt a competitive, well rounded benefits package jeopardizes the City's ability to staff the Police Department by April 1st, which will result in additional payment to DeKalb County of \$430,000 per month.

Attachments:

Attached are the four (4) components of the City's Benefit package described as: 1) Medical Plan, 2) Dental, Vision & Flexible Spending Accounts 3) Life AD&D and Disability Insurance and 4) City of Dunwoody Retirement Plan.

Medical Plans Summary:

To develop employee benefit solutions for The City of Dunwoody, the brokerage firm selected by the City, Bryant Wharton, used benchmarking data from a client base of local municipalities to recommend benefit plan options that are competitive in the marketplace. Benchmarking data included cities such as the City of Sandy Springs, the City of Roswell, and the City of Alpharetta, to name a few. This summary information was reviewed with the City Staff with recommendations of various plan options aligned with the City's goal to offer benefits similar in value to neighboring municipalities, and the need to select benefit plans that are priced competitively and provide great value to City employees.

The Staff recommends Blue Cross Blue Shield of Georgia as the preferred medical insurance carrier for the City of Dunwoody based on their:

- Deep experience working with local municipalities,
- Brand name recognition and the respect the brand generates throughout the community, and
- Large open access network of physicians that does not require City employees to elect a primary care physician or obtain referrals to see a specialist.

Additionally, it has been the experience that Blue Cross consistently processes claims timely and correctly, and provides some of the best customer service tools accessible via phone and web.

In order to remain competitive the City will cover 100% of the cost of employee coverage for medical benefits. The City will cover 90% of the cost for dependent coverage for the HMO and POS coverage and 80% of the cost for PPO coverage.

However, should an employee decide to opt out of the insurance the City will have a provision whereas in exchange for insurance coverage employees will receive \$400.00 of taxable compensation per month. The election period to participate in this program is within the first 30 days of employment. If circumstances should change, the option of insurance coverage through the City of Dunwoody will be offered during the enrollment period each year. Employees may also re-apply for insurance through Dunwoody if the coverage is lost due to a qualifying event as determined by the Department of Labor.



Medical Plans

Medical Plans		
	Blue Cross Blue Shield HMO 3005 AX	Blue Cross Blue Shield POS 2007 AX
Deductible	\$500 \$1,500 \$25 \$35 100% Covered at 100% \$100 Copay \$500 \$1,500 \$100 Copay Unlimited \$20 / \$35 / \$60	\$500 \$1,500 \$25 \$35 100% 100%, After Deductible \$100 Copay \$500 \$1,500 \$100 Copay Unlimited \$20 / \$35 / \$60
Office Copay	Ind. Family Primary Specialist	
Coinurance %		
Hospitalization- Inpatient		
Out of Pocket Limit		
(Ded + Coinsurance)	Ind. Family	
Emergency Room		
Lifetime Maximum		
RX Generic/Preferred/Non-Preferred		
Monthly Rates		
Employee	HMO 3005 AX*	POS 2007 AX*
Employee + Spouse	\$381.41	\$396.72
Employee + Child (ren)	\$762.83	\$793.46
Family	\$724.69	\$753.78
	\$1,144.24	\$1,190.18
		PPO 1503*
		\$487.50
		\$975.01
		\$926.25
		\$1,462.51

*Rates contingent upon medical underwriting and census changes.

Sample Cost Sharing**		
	HMO 3005 AX	POS 2007 AX
Enrollment Assumptions		
Employee	5	6
Employee + Spouse	2	4
Employee + Child (ren)	1	2
Family	7	8
Total Monthly Premium	\$12,167.08	\$16,583.16
Total Combined Monthly Premium		\$39,914.06
Total Combined Annual Premium		\$478,968.72
Portion of Premium Paid by Dunwoody		
Dunwoody Portion of Monthly Premium	100% Single / 90% Dependents	100% Single / 90% Dependents
Employee Portion of Monthly Premium	\$11,141.08	\$15,162.88
	\$1,026.00	\$1,420.28
Total Monthly City of Dunwoody Cost		\$35,430.01
Total Annual City of Dunwoody Cost		\$425,160.11
		100% Single / 80% Dependents
		\$9,126.06
		\$2,037.76

** Assumes 45 employees

Dental, Vision, and Flexible Spending Accounts Summary:

Bryant Wharton also researched plan alternatives for dental, life, disability, and vision insurance and selected insurance carriers and plans that are competitive with other local municipalities.

The Staff recommends Standard Insurance Company as the preferred dental insurance carrier with a PPO plan provision. In order to remain competitive the City will cover 100% of the cost of employee coverage for medical benefits. The City will cover 50% of the cost for dependent coverage.

The Staff recommends offering an employee assistance program to provide City employees with access to resources qualified to assist with issues ranging from family problems and addiction to financial stress and dependent care, to name a few.

Bryant Wharton is implementing a health flexible spending arrangement (FSA) to help City employees better manage their health care expenses by providing the opportunity to make pre-tax payroll contributions to their FSA and use those funds to pay for qualified health expenses using that pre-tax money. Employees benefit both through the tax savings, and by having a tool that they can use to budget for health expenses throughout the year. There are no fees that will be incurred by the City to manage this plan.

Life / AD&D and Disability Insurance

The Staff recommends Standard Insurance Company plan that includes an additional life insurance benefit for police staff. This unique plan feature is only available to municipalities, and ensures the competitiveness of the City's life benefits.

CITY OF DUNWOODY RETIREMENT PROGRAM

The City recommends providing its employees a comprehensive retirement program consisting of a 457, a 401(a) plan, and a social security account.

The 457 plan allows for employees to defer part of their pay on a tax-deferred basis into the investment of their choice. The second plan provides for a contribution on behalf of the City to each employee to save for retirement. Currently, this contribution is 10% of pay. The City will also contribute the social security withholding amount (6.2% for 2009) for each eligible employee into the investment of their choice. The plan allows each participant to select investments based upon individual risk tolerance. We have several Lifetime portfolios which ensure a proper investment mix.

Principal Financial Group, a leader in Retirement Programs, provides administration for the City's plan. David Griffin, of National Retirement Partners, will provide employee education and third party investment monitoring on a quarterly basis. The cost of setting up the plans with Principal will be a one time set up fee of \$1000.00

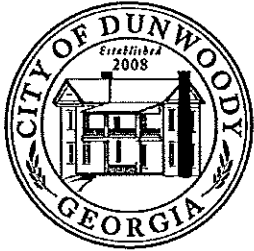
Here are a few highlights about the plan:

Entry Requirements:

Age 21 or older
Service requirement is 30 days
Monthly entry date

Vesting Percentage:
100% vested after 6 months of service

Plan Distributions: Benefits are payable at:
Retirement (Age 60)
Early Retirement (Age 55 and 5 years of service)
Death
Termination of employment



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MEMORANDUM

To: Warren Hutmacher, City Manager

From: Roma Rowland, Director of Human Resources

Date: January 23, 2009

Subject: Authorization for the City Manager to establish a supplemental benefits package for the City of Dunwoody

Staff Recommendation:

Staff recommends that the City Manager establish the proposed supplemental benefit package for the employees of the City of Dunwoody.

Background:

The City of Dunwoody will establish a supplemental benefit package for City of Dunwoody employees. As a general recruiting strategy to attract the best employees, it is imperative to design an attractive, competitive supplemental benefit package, while remaining fiscally responsible to the citizens.

Financial Impact:

The supplemental benefit package presented is within the total budget for benefits.

Attachments:

Supplemental component of the City's Benefit package.

Supplemental Benefits

Tuition Reimbursement

Staff recommends the City offer tuition reimbursement for up to \$2,000 a year per individual. The City would establish a tuition reimbursement policy which would only pay for a grade of C or higher and would require repayment if the person does not remain employed by the City for one year after reimbursement.

Housing Stipend

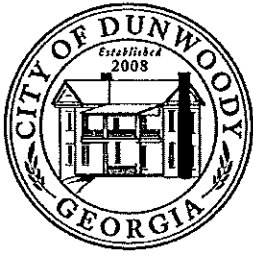
Staff recommends a monthly housing allowance for any City employee who lives within the jurisdiction to encourage staff, with particular emphasis on police, to live within the Dunwoody city limits. The allowance would be \$300 a month, paid for up to 36 months.

Gym Membership

Staff recommends the City offer a gym membership at a location where the City has negotiated favorable rates. Employees must opt in for this benefit.

Signing Bonus

Staff recommends a signing bonus of \$2,000 for police officers, payable 90 days after employment starts. The bonus would have to be paid back if the officer leaves prior to completing two (2) years of service.



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MEMORANDUM

To: Honorable Mayor and City Council

From: Warren Hutmacher, City Manager

Date: January 22, 2009

Subject: Creation of a Dunwoody Development Authority

Staff recommends the creation of the Dunwoody Development Authority by ordinance of the City Council. The Dunwoody Development Authority is a “authority” created by state law. A Development Authority serves several purposes;

1. Legal “vehicle” to allow for long term leases and contracts
2. Ability to execute bond financing for public and private sector economic development initiatives (with the consent of the City Council and with no recourse to the City of Dunwoody)
3. A dedicated board focused on economic development initiatives

Initially, this board is being established to serve as the entity that will execute a lease agreement for the City Hall project. This is necessary because the City Council is restricted from signing long term agreements that go beyond the term of a City Council. Authority’s have no such restriction, and cities can contract with authorities through intergovernmental agreements up to a period of 50 years. The lease of City Hall will require a term commitment longer than a term of Council.

Attached to this memorandum you will find an ordinance creating the Dunwoody Development Authority which includes the appointment of its 7 member board. I recommend each member appoint one person to the Board.

A ONE-READ ORDINANCE TO DECLARE THE NEED FOR THE CREATION OF A DEVELOPMENT AUTHORITY TO FUNCTION IN THE CITY OF DUNWOODY, GEORGIA PURSUANT TO THE PROVISIONS OF THE CONSTITUTION OF THE STATE OF GEORGIA AND THE DEVELOPMENT AUTHORITIES LAW, O.C.G.A. §36-62-1, ET SEQ.; AS IT MAY BE AMENDED FROM TIME TO TIME; TO ACTIVATE A DEVELOPMENT AUTHORITY AND APPOINT A BOARD OF DIRECTORS FOR SAID DEVELOPMENT AUTHORITY; TO AUTHORIZE SAID DEVELOPMENT AUTHORITY TO EXERCISE ALL POWERS CONTAINED IN THE DEVELOPMENT AUTHORITIES LAW; TO PROVIDE FOR NOTICE TO THE SECRETARY OF STATE OF THE STATE OF GEORGIA OF THE ADOPTION OF THIS ORDINANCE; TO RESCIND AND REPLACE ALL PREVIOUS LEGISLATION CREATING AND ACTIVATING A PRIOR DEVELOPMENT AUTHORITY FOR THE CITY OF DUNWOODY; TO PROVIDE FOR AN EFFECTIVE DATE; TO RESCIND CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to ARTICLE IX, SECTION VI, PARAGRAPH III of the Constitution of the State of Georgia of 1983 and the Georgia Development Authorities Law, O.C.G.A. §36-62-1, *et seq.*, there is created in and for each county and municipality in the state a public body corporate and politic to be known as the "development authority;" and

WHEREAS, it has been determined by the Mayor and Council of the City of Dunwoody, Georgia (the "City") that there is a need in the City to develop and promote trade, commerce, industry and employment opportunities for the public good and the general welfare while performing an essential governmental function in the exercise of that power; and

WHEREAS, the Mayor and Council desire to create a climate favorable to the location of new industry, trade and commerce and to encourage the development of existing industry, trade and commerce within the City; and

WHEREAS, it has been determined by the Mayor and Council that it is desirable and necessary that the Development Authority of the City be activated immediately, pursuant to the Development Authorities Law, in order to fulfill the needs expressed herein; and

WHEREAS, the City is imbued with certain redevelopment powers under the Georgia Redevelopment Powers Law, O.C.G.A. §36-44-1, *et seq.*, and desires to designate the Dunwoody Development Authority as its redevelopment agency to implement certain Redevelopment Plans of the City; and

WHEREAS, this Ordinance shall become effective as an Ordinance upon first reading as provided in Section 2.15 of the Charter of the City of Dunwoody, Georgia.

NOW, THEREFORE IT IS ORDAINED by the Mayor and Council of the City that there is determined and declared to be a recent and future need for a Development Authority, as more fully described and defined in the Georgia Development Authorities Law, O.C.G.A. §36-62-1, *et seq.*, as it may be amended from time to time, for the purpose of developing and promoting trade, commerce, industry and employment opportunities for the public good and the general welfare while performing an essential governmental function in the City of Dunwoody.

IT IS FURTHER ORDAINED that there be and there is hereby created and activated in the City of Dunwoody, Georgia a nonprofit public body corporate and politic known as the "Dunwoody Development Authority."

IT IS FURTHER ORDAINED that there be and there are hereby appointed as members of the first Board of Directors of the Dunwoody Development Authority the following named persons, each of whom shall be a taxpayer residing within the City of Dunwoody, and none of whom is a member of the governing body of the City of Dunwoody. The Mayor and City Council shall serve as ex-officio members of the Dunwoody Development Authority pursuant to the City Charter.

Appointee	Initial Terms of Office	Expiration of Term
Bill Robinson	Two Years	December 31, 2010
	Two Years	December 31, 2010
	Two Years	December 31, 2010
	Two Years	December 31, 2010
	Four Years	December 31, 2012
	Four Years	December 31, 2012
	Four Years	December 31, 2012

IT IS FURTHER ORDAINED that commencing with the date of the adoption of this Ordinance each of said persons named as directors shall serve in such capacity for the number of years as set forth in O.C.G.A. §36-62-4, as it now exists or may hereafter be amended. Directors may be appointed by the City Council for more than one consecutive term.

IT IS FURTHER ORDAINED that all subsequent directors of the Dunwoody Development Authority shall serve for terms of four years in accordance with Georgia law. If, at the end of any term of office of any director, a successor thereto has not been appointed, the director whose term of office has expired shall continue to hold office until his or her successor is so elected.

IT IS FURTHER ORDAINED that within sixty (60) days after adoption of this Ordinance, the Board of Directors hereinbefore elected shall organize itself, enact and comply with By-Laws which shall be approved by the Dunwoody City Council, carry out its duties and responsibilities, and exercise its powers and prerogatives in accordance with the terms and provisions of the Development Authorities Law, as it now exists or may hereafter be amended. Any amendments of the Authority By-Laws shall also be approved by the Mayor and City Council.

IT IS FURTHER ORDAINED that the Board of Directors shall notify the Dunwoody City Council within sixty (60) days of the resignation, removal, death, disqualification or expiration of the term of any Director of the Authority.

IT IS FURTHER ORDAINED that the City Clerk is promptly furnish to the Secretary of State of the State of Georgia a certified copy of this Ordinance, in compliance with the provisions of O.C.G.A. §36-64-4(c).

IT IS FURTHER ORDAINED that this Ordinance shall be effective immediately upon its adoption by the City Council and from and after such adoption the Dunwoody Development Authority shall be deemed to be fully created and activated.

IT IS FURTHER ORDAINED that all Ordinances or parts of Ordinances in conflict herewith, particularly any previous Ordinance related to a Dunwoody Development Authority to the extent such Ordinances exist, are hereby rescinded.

[SIGNATURES ON FOLLOWING PAGE]

SO ADOPTED AND APPROVED, this 26th day of January, 2009.

Approved:

Ken Wright, Mayor

Attest:

Approved as to Form and Content:

Sharon Lowery, City Clerk

Brian Anderson, City Attorney

Seal

**BY-LAWS OF THE
DUNWOODY DEVELOPMENT AUTHORITY
DUNWOODY, GEORGIA**

ARTICLE I

MEMBERS

Section 1. Management Powers, Number, Qualification and Term. The property, affairs and business of the Dunwoody Development Authority ("Authority") shall be managed by its directors consisting of seven (7) persons, appointed from time to time as provided by law (O.C.G.A. 36-62-4). The qualifications of the directors shall be as provided by law. Each director shall serve at the pleasure of the City Council.

Section 2. Powers. The directors shall have such power and authority as is conferred upon them by the Georgia Development Authorities Law, as the same now exists or may hereafter be amended, and such other power and authority as may be contained under the Constitution and the Laws of the State of Georgia as the same may now or hereafter exist.

Section 3. Regular Meetings. Notice of the time and place of regular meetings may from time to time be fixed by resolution of the Authority, or, if not, fixed by the Chairman in the same manner as hereinafter specified for giving notice of special meetings. All meetings shall be conducted in accordance with the Georgia Open Code Meetings Act (O.C.G.A. Section 50-14-1 et. seq.)

Section 4. Special Meetings. Special meetings may be held upon the call of the Chairman, Vice-Chairman, Secretary, or any two directors at such time and at such place within the City of Dunwoody, Georgia, as shall be specified in the notice of such meetings. Notice shall be given to the public as prescribed under the provisions of the Open Meeting Law. Notice to the directors of special meetings may be either oral or written. Oral notice may be delivered personally or by telephone and shall be given at least twenty-four (24) hours prior to the time of the meeting. Written notice may be sent by mail, facsimile, electronic mail or personal delivery. If delivered personally or by fax, such notice shall be delivered twenty-four (24) hours prior to the time of the meeting. If written notice is sent by mail, such notice shall be mailed three (3) days prior to the time of the meeting. Unless specified otherwise, any notice hereinafter called for in these by-laws shall be given as specified in this section. No notice of any meeting need be given any director who attends such meeting unless such director attending at the beginning of such meeting states any objection or objections to the place and time of the meeting, to the manner in which it has been called or convened or to the transaction of business. No notice shall be required to be given any director who at any time before or after the meeting waives notice of the meeting in writing.

Section 5. Quorum. A majority of the directors shall constitute a quorum, but no action may be taken by the board without the affirmative vote of a majority of the full membership of the board.

Section 6. Parliamentary Procedures. In case of dispute concerning parliamentary procedures governing the conduct of meetings of the Authority, Roberts Rules of Order shall govern.

Section 7. Nominations of Members. Prior to the expiration of the term of any director of the Authority, the Chairman shall appoint an owner of real property in the City and an owner of a business establishment whose principal place of business is located in the City, who are not directors of the Authority, to act as a nominating committee and to submit nominations for directors to the Mayor and Council of the City of Dunwoody. The Mayor and Council may accept or reject any nominee and may nominate a qualified individual(s) if they choose to do so.

ARTICLE II

OFFICERS

Section 1. Number. The directors shall elect from one of their number a Chairman, Vice-Chairman, Secretary and a Treasurer. The Secretary/Treasurer may be, but need not be, a director.

Section 2. Election. At the first meeting of the Authority, and thereafter at the first meeting of every year, the Authority shall elect new officers. Notice of the first meeting of the Authority shall be given by the Mayor and thereafter notice of the time and place of such meeting shall be given by the Chairman or his designee.

Section 3. Term and Removal. All officers shall be elected by and serve at the discretion of the directors and any officer may be removed from office, either with or without cause, at any time, by the affirmative vote of the majority of the directors of the Authority then in office, or by vote of the City Council. A vacancy in any office because of death, resignation, removal, disqualification or otherwise, shall be filled by the directors for the unexpected portion of the term. Resignation shall be submitted in writing to the Chairman.

Section 4. Powers. The powers and duties of the officers shall be as provided from time to time by resolution or other directive of the directors, or as prescribed by the City Council. In the absence of such provisions, respective officers shall have the powers and shall discharge the duties customarily and usually held and performed by like officers of authorities similar in organization to this Authority.

Chairman. The Chairman shall be the chief executive officer of the Authority and shall have general and active management of the business of the Authority and shall see that all resolutions of the Authority are carried into effect. He/she shall be ex officio member of all committees, unless otherwise provided in the resolution appointing the same. The Chairman shall call meetings of the directors and shall act as Chairman of such meetings.

Vice-Chairman. In the event of the unavailability, disability, or death of the Chairman or at the Chairman's request or when specifically authorized by the Authority, the Vice-Chairman shall have the powers and perform the duties of the Chairman. The Vice-Chairman shall also have such powers and perform such duties as are specifically imposed upon him/her by law and as may be assigned to him/her by the Authority or the Chairman. In the absence of the Chairman, the Vice-Chairman shall call meetings of the directors and shall act as Chairman of such meetings.

Secretary. The Secretary shall attend all sessions of the directors and record all votes and the minutes of all proceedings in books to be kept for that purpose, and shall perform like duties for the standing committees when required. The Secretary shall give, or cause to be given, any notice

required to be given of any meetings of the directors, and shall perform such other duties as may be prescribed by the Authority or the Chairman. The Secretary if a non-member, shall attend meetings for the purpose of recording the minutes of such meetings, but shall not have any of the powers, rights, or duties of directors.

Treasurer. The Treasurer shall have charge of and be responsible for all funds, securities, receipts and disbursements of the Authority, and shall deposit, or cause to be deposited, in the name of the Authority, all monies or other valuable effects, in such banks, trust companies or other depositories as shall, from time to time, be selected by the Authority; he/she shall render to the Chairman and to the directors, whenever requested, an account of the financial condition of the Authority; and in general, he/she shall perform all the duties incident to the office of a Treasurer of a Corporation, and such other duties as may be assigned to him/her by the directors, or the Chairman.

ARTICLE III

FISCAL YEAR

Section 1. Time. The fiscal year of the Authority shall begin on the first day of January of each year and end on the last day of December of each year.

Section 2. Annual Meeting. An annual meeting of the Authority shall be held on the date prescribed by resolution of the Authority. Notice of the time and place of such meeting shall be given by the Chairman.

Section 3. Annual Audit. The Treasurer shall cause an annual audit of the books of the Authority to be made by the firm which audits the books of the City of Dunwoody and present such audit to the directors of the Authority. A copy of the audit shall be filed with the State Auditor, if necessary, to comply with Local Government Financial Standards Act (Georgia Laws, 1980, p. 1738).

ARTICLE IV

CORPORATE SEAL

Section 1. Seal. The Seal of the Authority shall consist of an impression bearing the name “Dunwoody Development Authority” around the perimeter and the word “SEAL” and the year of activation. In lieu thereof, the Authority may use an impression or writing bearing the word “SEAL” enclosed in parentheses or scroll, which shall also be deemed the seal of the Authority.

ARTICLE V

DEPOSITORIES

Section 1. Depositories. The Authority shall from time to time provide by resolution or resolutions for the establishment of depositories for funds of the Authority.

Section 2. Execution of Notes, Drafts and Checks. All drafts, checks, etc. drawn against accounts of the Authority shall be signed by at least two officers.

ARTICLE VI

AMENDMENTS

Section 1. Amendments. The by-laws of the Authority shall be subject to alteration, amendment, or repeal, and new by-laws not inconsistent with any laws of the State of Georgia creating this Authority may be made by affirmative vote of a majority of the directors then holding office at any regular or special meeting of the directors and thereafter approved by the Mayor and City Council prior to taking effect. Proposed amendments shall be submitted in writing to all directors of the Authority ten (10) days prior to the meeting at which such amendment will be considered. If such written proposed amendment is submitted by mail, it shall be deemed to be delivered when deposited in the United States mail properly addressed and with sufficient postage thereon.

ARTICLE VII

ADOPTION OF BY-LAWS

These by-laws of the Dunwoody Development Authority were approved by the Mayor and City Council on January 26, 2009 and so adopted by vote of the Board of Directors on _____ and became effective on said date.

Date

Chairman

Date

Vice-Chairman

Date

Secretary



CITY OF DUNWOODY

400 Northridge Road
Suite 1250
Phone: 678.382.6700 • Fax: 678.382.6701
www.dunwoodyga.gov

MEMORANDUM

To: Honorable Mayor and City Council

From: Warren Hutmacher, City Manager

Date: January 22, 2009

Subject: Intergovernmental Agreement – Dunwoody Development Authority

A proposed Intergovernmental Agreement with the Dunwoody Development Authority is being prepared. The agreement enables the Development Authority to enter into a lease for office space for City Hall and the Police Department. This type of agreement is appropriate for this purpose due to the long term length of the lease agreement.

The City of Dunwoody is in the final stages of negotiating a lease agreement for both a City Hall and Police Department facility. We anticipate announcing the location of the facility at your Council meeting on Monday evening if all the lease details are worked out in time for the meeting.

The Intergovernmental Agreement is in the completion process and once finalized will be forwarded.

HISTORY:

The City of Dunwoody over the past few months has been busy working on establishing a permanent City Hall and Police Station. Having been mindful of our budget, staff and our real estate consultants have embarked on a broad search for space that would fit our cities operational needs in a financially sound manner. 28 properties were initially identified throughout Dunwoody that could serve the desired purposes. These properties included office buildings, retail areas in and out of the village, and stand alone buildings.

This list was reduced to 11 properties and site visits were conducted. Options of splitting the Police Force off from City Hall and properties that would combine city hall and police operations were reviewed and vetted.

The list was culled to 4 properties and proposals were requested. Using these properties, criteria were mixed and matched to establish 6 options that would work for the city. These proposals were compared and evaluated. Staff and our consultant team met with each of the landlords and reviewed the proposed conditions for each proposal, fully exploring all options. A clear choice emerged that met our economic criteria and physical requirements.

The overall benefits of this choice were compelling in that the city will save approximately \$350,000 within the first year's budget and the police station is scheduled to be ready for occupation by March 15th enabling our police force to be "Ready to Roll" April 1st. City Hall will be completed later in April and our move to the new location is scheduled for May. The overall economics of the deal were the most advantageous for the City of Dunwoody.

The basic elements of the lease agreement are as such:

Leased space: 25,000 sqf

Term of lease: 10 years

Tenant allowances: \$27 per square foot

Free rent: 9 months

Effective cost per sq: \$17.12 per sqf per year

**STATE OF GEORGIA
COUNTY OF DEKALB**

RESOLUTION 2009-01-07

**A RESOLUTION TERMINATING IN TOTAL THE MORATORIUM IN THE CITY OF
DUNWOODY**

WHEREAS, the City of Dunwoody imposed a Moratorium on December 1, 2008 upon application for, or issuance of, all permits and licenses in the City of Dunwoody, including business licenses and alcohol licenses for a period of sixty (60) days; and

WHEREAS, the City of Dunwoody lifted the Moratorium on applications for and issuances of Business licenses and alcohol permits by Resolution on December 29, 2008; and

WHEREAS, the City of Dunwoody lifted the Moratorium on applications for rezoning, land use permits, administrative permits, land disturbance permits, building permits, land development permits and clearing or grading permits by Resolution on January 12, 2009, with only sign permit applications and issuances remaining under the original moratorium; and

WHEREAS, the Mayor and City Council now find it appropriate to terminate in total the moratorium imposed by the City of Dunwoody by Resolution 2008-12-21, effective January 27, 2009.

NOW THEREFORE, be it resolved by the Mayor and Council of the City of Dunwoody, Georgia that the Moratorium imposed by Resolution 2008-12-21 is hereby terminated in total, effective January 27, 2009.

SO RESOLVED, this the 26th day of January, 2009.

Approved:

Ken Wright, Mayor

ATTEST:

Sharon Lowery, City Clerk

STATE OF GEORGIA

DEKALB COUNTY

RESOLUTION NO. 2009-01-08

A RESOLUTION RE-ADOPTING AND RE-APPROVING RULES AND PROCEDURES FOR CITY COUNCIL MEETINGS AND PUBLIC HEARINGS FOR THE CITY OF DUNWOODY, AS AMENDED.

WHEREAS: Well-organized meetings allow a City Council to reach decisions in a fair and consistent manner; and

WHEREAS: Efficiency is served when the process of planning and conducting public meetings is clearly stated and understood by public officials and citizens; and

WHEREAS: Public participation and access to the governmental decision-making process is a key element of an open and transparent organization;

WHEREAS: The City previously passed the Rules and Procedures for City Council Meetings and Public Hearings by Resolution 2008-12-29 on December 18, 2008; and

WHEREAS: The City desires to amend certain sections of these Rules and Procedures for City Council Meetings and Public Hearings; and

WHEREAS: The amended Rules and Procedures for City Council Meetings and Public Hearings are attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED that all meetings of the Dunwoody City Council shall be conducted in accordance with the provisions of the Rules and Procedures for City Council Meetings and Public Hearings, as amended, and as follows:

SECTION 1. That the Rules and Procedures for City Council Meetings and Public Hearings, as amended, are re-adopted as attached hereto and incorporated herein; and

SECTION 2. That this Resolution shall become effective upon its adoption.

SO RESOLVED this the 26th day of January, 2009.

Approved:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk
(Seal)

RULES AND PROCEDURES FOR CITY COUNCIL MEETINGS AND PUBLIC HEARINGS

Section 1. Open Meetings. All meetings of the Mayor and City Council shall be held in accordance with the provisions of Title 50, Chapter 14 of the Official Code of Georgia Annotated. The public shall be afforded access to meetings other than Executive Sessions, in compliance with Georgia law. Only Executive Sessions held in accordance with Georgia law may be closed to the public.

Section 2. Executive Sessions. Executive sessions of the Council may be held for the purpose of discussing topics exempted from public access requirements by Title 50, Chapter 14 of the Official Code of Georgia Annotated. Meetings will only be closed to the public for the purposes allowed within State law.

(a) Non-Exempt Topics. If a Council Member attempts to discuss a non-exempt topic during an Executive Session, the Mayor shall immediately rule that Council Member out of order and such discussion shall cease. If the Council Member persists in discussing the non-exempt topic, the Mayor shall adjourn the meeting immediately.

(b) Procedure For Entering Into Executive Sessions. No Executive Session shall be held except pursuant to a majority affirmative vote of the City Council Members present with the vote taken in a public meeting. The minutes of the public meeting shall reflect the names of the Council Members present, those voting for the Executive Session, and the specific reasons for the Executive Session. All votes taken on items discussed in Executive Session shall be taken in an open meeting.

(c) Executive Session Minutes.

(1) Executive Sessions Discussing Real Estate Acquisition. Minutes of an Executive Session in which the acquisition of real estate is discussed shall be taken in the same manner as minutes of an open meeting (Section 21) and shall be available for public inspection except that any portion of the minutes identifying the real estate shall be redacted until such time as the action for acquisition of the real estate is taken, or decision is reached that the proposed acquisition is to be terminated, abandoned or until court actions are to be initiated through the use of condemnation proceedings.

(2) Other Executive Sessions. Minutes of Executive Sessions devoted to any permissible topic other than land acquisition shall be maintained by the clerk in accordance with State of Georgia law.

(d) Mayor or Presiding Officer Affidavit. The Mayor or other presiding officer shall execute an affidavit stating, under oath, that the Executive Session was devoted to topics exempt from the public access requirements. The affidavit shall include the specific

exemption to the open meetings law. The City Attorney shall review and approve the form of the affidavit to be utilized, as well as the completed affidavit to be executed for each Executive Session. The affidavit shall be notarized and filed with the minutes of the open meeting.

[Cross Reference: O.C.G.A. §§ 50-14-2, 5-14-3 and 50-14-4]

Section 3. Visual and Sound Recordings. Visual, sound, and visual and sound recordings shall be permitted for all public hearings, as long as such recordings are in accordance with State law.

[Cross-reference: O.C.G.A. § 50-14-1(c)]

Section 4. Quorum. A quorum must be present for conducting meetings of the City Council. A quorum is four (4) members of the City Council. Any Council Member may raise a point of order directed to the Mayor or presiding officer if he or she believes that a quorum is not present. If, during the course of a meeting, a Council Member or Council Members leave and a quorum no longer exists, the meeting may not continue. If a quorum is not attained within thirty (30) minutes, the meeting may be rescheduled by the Mayor or presiding officer with the approval of the Council Members present.

Section 5. Mayor. As provided in Article III, Section 3.01 of the City Charter, the presiding officer of the City Council shall be the Mayor. As presiding officer, he or she is responsible for the orderly conduct of the meeting. In order to fulfill this duty, the Mayor shall enforce the rules of procedure that are adopted by the City Council. The Mayor shall be impartial and conduct the meetings in a fair manner. The Mayor may name a Sergeant-at-Arms to assist in maintaining the orderly conduct of the Council Meetings. As provided in Article II, Section 2.10, the Mayor is treated as one of the Council Members for quorum and voting purposes, and the Mayor may vote on all matters before the City Council.

Section 6. Mayor Pro-Tempore. The Council shall select a Mayor Pro-Tempore from the Council Members at the first meeting following each general election by a majority vote. The Mayor Pro-Tempore shall fulfill the duties of the Mayor if the Mayor is not in attendance. The Mayor Pro-Tempore shall serve a term of two years and until a successor is elected and qualified.

Section 7. Presiding Officer. If the Mayor and the Mayor pro-tem are absent or otherwise unable to serve as presiding officer at a meeting and a quorum of Council Members is present, the remaining Council Members shall select a Council Member to serve as presiding officer of the meeting until either the Mayor or Mayor pro-tem is present at the meeting.

Section 8. Parliamentarian. The City Attorney shall serve as the parliamentarian for City Council meetings.

Section 9. Amendments to the Rules. Any amendments to the rules of order shall be submitted by a Council Member in writing to the city manager three business days before a regular meeting of the City Council. The proposed amendment shall be included in the agenda

for that meeting and distributed to all Council Members. All amendments require a two-thirds vote of the Council to be adopted.

Section 10. Suspending the Rules of Order. Rules of Order may be suspended in the case of an emergency. A motion to suspend the rules requires a second, is debatable, and requires a two-thirds vote of the Council. Rules governing quorums, voting methods and requirements (Article II, Section 2.10), the notification to Council Members of meetings (Article II, Section 2.09) and rules necessary for compliance with state law may not be suspended; provided, however, that, in the event that a state of emergency is declared by the Governor or other authorized state official, the City Council may waive time-consuming procedures and formalities imposed by state law.

[Cross-reference: O.C.G.A. § 38-3-54]

Section 11. Regular Meetings. Regular meetings of the City Council shall be held at a time determined by majority vote of the City Council, but shall include at least one regular meeting per month, as provided in Article II, Section 2.09 (c). All regular meetings shall be held in the City Council meeting room, provided however, that other sites are allowed prior to the opening of City Hall or as provided by other sections of this document. A notice containing the foregoing information shall be posted and maintained in a conspicuous place available to the general public at the regular meeting place of the City Council. Prior to the establishment of a regular meeting place, the public notice shall be posted at the location at which the meeting will be held.

[Cross-reference: O.C.G. A. § 50-14-1(d)]

Section 12. Meetings Other Than Regular Meetings. The City Council may meet at times and locations other than those regularly scheduled meetings.

(a) Special Meetings and Rescheduled Regular Meetings. A regular meeting may be canceled, rescheduled, recessed or moved to a new location within the City by the Mayor or by a majority of the Council in office for any reason. As provided in Article II, Section 2.09 of the City Charter, special meetings of the City Council may be held on call of the Mayor and one (1) councilmember or three (3) council members. Notice of such special meetings shall be served on all other members personally, by registered mail or by electronic means at least 24 hours in advance of the meeting. Such notice shall not be required, if the Mayor and Council Members are present when the Special Meeting is called. Such notice of any Special Meeting may be waived by a Council Member in writing before or after such a meeting. Attendance at a meeting shall also constitute a waiver of notice on any business transacted in such Council Member's presence. Only the business stated in the call may be transacted at the Special Meeting. Notice to the public shall be given in accordance with State law.

(b) Meetings With Less Than 24 Hours Notice. When emergency circumstances occur, the City Council may hold a meeting as allowed by State law. When such meetings are to be held, the clerk shall provide notice to the legal organ of the city and to each member of the city governing authority as soon as possible. The notice shall include the subjects expected to be considered at the meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice given to the media and public.

[Cross-reference: O.C.G.A. § 50-14-1-(d)]

(c) Meetings During a State of Emergency. When it is imprudent, inexpedient or impossible to hold City Council meetings at the regular meeting place due to emergency or disaster resulting from manmade or natural causes, as declared by the Governor or other authorized state official, the City Council may meet anywhere within or outside of the city. Such a meeting may be called by the Mayor and one councilmember or three (3) Council Members. At the meeting, the Council Members shall establish and designate emergency temporary meeting locations where public business may be transacted during the emergency. Any action taken in such meetings shall have the same effect as if performed at the regular meeting site.

[Cross reference: O.C.G.A. §§ 50-14-1(d), 38-3-54, 38-3-55]

Section 13. Order of Business. All regular City Council meetings shall substantially follow an established order of business. The order shall be as follows:

1. Call to Order
2. Roll Call
3. Invocation
 - a. The standard invocation for the City of Dunwoody Council Meetings shall read: “At this Council Meeting, help us to make decisions which keep us faithful to our mission and reflect our values. Give us strength to hold to our purpose; wisdom to guide us; and a keen perception to lead us. And above all, keep us charitable as we deliberate.”
4. Pledge of Allegiance
5. Minutes
6. ~~Public Comment~~Approval of Meeting Agenda
7. ~~Approval of Meeting Agenda~~Public Comment
8. Consent Agenda
9. Organizational and Procedural Items
10. Reports and Presentations
11. Unfinished Business
12. New Business
13. Other Business
14. Public Comment
15. Adjournment

Section 14. Agenda. The City Manager shall prepare an agenda of subjects to be acted on for each meeting. Work session topics and Council agenda items shall be submitted consistent with the process established by the City Manager. An agenda approval meeting shall be held by the City Manager and the Mayor to finalize the agenda. The agenda shall be made available to the City Council at least one (1) day before every City Council meeting.

(a) Requests For Agenda Items. Members of the public may request that a particular subject be placed on the agenda for a meeting. To be considered, this request shall be submitted in writing to the City Manager.

(b) Changing The Agenda. The order of the agenda may be changed during a meeting by a majority vote of the City Council. A new item, other than a zoning decision, may be added to the agenda by a majority vote of the City Council only if it becomes necessary to address the item during the meeting. An existing item may be removed from the agenda by the majority vote of the City Council.

(c) Agenda Must Be Made Public. The agenda of all matters to come before the City Council shall be made available to the public upon request and shall be posted at the meeting site as far in advance as reasonably possible, but not less than 24 hours prior to the start of the meeting. Notice of the agenda for emergency meetings will be handled in accordance with State law.

[Cross-reference: O.C.G.A. §§ 50-14-1(e)(1) and 36-66-4]

Section 15. Consent Agenda. A consent agenda may be prepared by the City Manager for the City Council to unanimously adopt motions on routine items. Any items of business that are expected to receive unanimous approval without debate may be placed on a consent agenda. At the appropriate time of the meeting, the Mayor shall read all of the items on the consent agenda. If a Council Member objects to an item being on the consent agenda, the Council Member shall direct the move of that particular item to the regular agenda. Following the reading of the consent agenda, the Mayor may ask for unanimous approval of the items on the consent agenda. If there are no objections, all the items on the consent agenda shall be approved by a majority vote of the City Council.

Section 16. Decorum. All Council Members shall conduct themselves in a professional and respectful manner. All remarks shall be directed to the Mayor and not to individual Council Members, staff, or citizens in attendance. Personal remarks are inappropriate and may be ruled out of order. A Council Member may not speak at a meeting until he or she has been recognized by the Mayor. All comments made by a Council Member shall address the motion that is being discussed. The Mayor shall enforce these rules of decorum. If a Council Member believes that a rule has been broken, he or she may raise a point of order. A second is not required. The Mayor may rule on the question or may allow the City Council to debate the issue and decide by majority vote.

Section 17. Voting. Under normal circumstances, passage of a motion shall require the vote of at least four (4) Council Members, and must receive the affirmative vote of a majority of those voting at which a quorum is present. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the record, but any member of the City Council shall have the right to request a roll-call vote and such vote shall be recorded in the journal.

Except as otherwise provided in the City Charter, the affirmative vote of a majority of the Council Members present shall be required for the adoption of any ordinance, resolution or motion.

Section 18. Abstentions. No Council Member shall abstain from voting except in the case of a conflict of interest or if absent when a motion being voted upon was made. If a conflict of

interest does exist, the Council Member shall provide a specific explanation of the conflict, and the explanation shall be recorded in the journal.

Section 19. Public Participation. Public participation in meetings of the City Council shall be permitted in accordance with the provisions of this section.

(a) Public Comments. The floor shall be open for public comments at two points during the meeting. The first public comments section will be provided immediately following the approval of the meeting agenda. This public comments period will last a maximum of thirty minutes, and speakers' comments will be limited to three (3) minutes each. In addition, the final agenda item of the meeting shall be reserved for comments from the public. Speakers' comments during this period will be limited to three (3) minutes each. All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the city clerk prior to the start of any meeting held by the City Council; provided, however, that if the applicants of rezoning actions or individuals who wish to oppose a rezoning action have contributed more than \$250 to the campaign of a Council Member, the individual shall file a campaign disclosure form as required by O.C.G.A. § 36-67A-3 at least five (5) calendar days prior to the first hearing by the City Council. Individuals will be held to established time limits. These limits may be waived by a majority vote of the City Council.

[Cross-reference: O.C.G.A. § 36-67A-3]

(b) Public Hearings. The City Council may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the City Council. Hearings may be held immediately prior to, during or following a meeting of the City Council or at such other places and times as the City Council may determine. Hearings require at least ten (10) minutes per side. These limits may be waived by a majority vote of the City Council. No official action shall be taken during any such public hearing. Hearings on zoning decisions shall be governed in accordance with the zoning policies and procedures.

[Cross-reference: O.C.G.A. §§ 36-66-4 and 36-66-5]

(c) Decorum. Members of the public shall not make inappropriate or offensive comments at a City Council meeting and are expected to comply with the rules of decorum that are established for Council Members. Individuals violating any rules of the City Council may be ruled out of order by the Mayor or on a point of order made by a Council Member. A majority vote of the City Council shall rule on the point of order. An individual violating the rules of decorum may be removed from the meeting at the direction of the Mayor.

Section 20. Meeting Summary. A summary of the subjects acted upon in a meeting and the names of the Council Members present at a meeting shall be prepared by the City Clerk and made available to the public for inspection within two business days of the adjournment of the meeting. This summary will be noted as unofficial prior to adoption by the Council of the minutes for the meeting. *[Cross-reference: O.C.G.A. § 50-14-1(e)(2)]*

Section 21. Minutes. The clerk of the City Council shall promptly record the minutes for each City Council meeting. The minutes shall specify the names of Council Members present at the meeting, a description of each motion or other proposal made at the meeting, the name of the Council Member who proposed each motion, the name of the Council Member who seconded each motion, and a record of all votes. In the case of a roll call vote, the name of each Council Member voting for or against a proposal shall be recorded. It shall be presumed that a Council Member has voted in the affirmative unless the minutes show otherwise. More detailed information may be included in the minutes at the request of the City Council.

The City Council shall approve the minutes before they may be considered as an official record of the City Council. The minutes shall be open for public inspection once approved as official by the City Council but in no case later than immediately following the next regular meeting of the City Council. A copy of the minutes from the previous meeting shall be distributed to the City Council in the agenda package for the following meeting. The minutes of the previous meeting shall be corrected, if necessary, and approved by the City Council at the beginning of each meeting. A majority vote is required for approval. Conflicts regarding the content of the minutes shall be decided by a majority vote. Upon being approved, the minutes shall be signed by the Mayor and attested to by the clerk of the City Council.

[Cross-reference: O.C.G.A. § 50-14-1(e)(2)]

Section 22. Procedure and Deadline. The Mayor and City Manager are authorized to establish detailed procedures and deadlines as necessary to ensure the effective organization of Council proceedings and orderly handling of business to come before the Council, in accordance with the Rules and Procedures adopted by the Mayor and Council.

Section 23. Roberts Rules of Order. This document shall serve as the rules and procedures of the Mayor and City Council. In the absence of applicable rules and procedures which may from time to time be encountered during the public meetings, Roberts Rules of Order shall be followed.

Section 24. Deferrals. If five (5) or fewer members of the City Council are present at the meeting, and upon request of the Mayor or a member of the City Council at such meeting, an item up for vote can be deferred for one (1) meeting. This “normal course” deferral may not be repeated for any item deferred in accordance with this provision.

AN ORDINANCE, GRANTING TO ATLANTA GAS LIGHT COMPANY, A GEORGIA CORPORATION, HEREINAFTER DESIGNATED AS “COMPANY”, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND FRANCHISE TO USE AND OCCUPY THE STREETS, AVENUES, ROADS, PUBLIC HIGHWAYS, ALLEYS, LANES, WAYS, PARKS, AND OTHER PUBLIC PLACES OF THE CITY OF DUNWOODY, GEORGIA, FOR CONSTRUCTING, MAINTAINING, RENEWING, REPAIRING, AND OPERATING A GAS WORKS AND GAS DISTRIBUTION SYSTEM, AND OTHER NECESSARY MEANS FOR MANUFACTURING, TRANSMITTING, DISTRIBUTING AND SELLING OF MANUFACTURED, NATURAL OR COMMINGLED GAS WITHIN AND THROUGH THE CITY OF DUNWOODY, GEORGIA; AND FIXING THE TERMS AND CONDITIONS OF SUCH GRANT; TO PROVIDE PROVISIONS GOVERNING THE FRANCHISE FEE CALCULATION; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the City of Dunwoody, Georgia, hereinafter referred to as the City, and the undersigned warrant and represent that there is no franchise granted by the City and in force and effect, to any other person, firm or corporation and that the City is under no contract or obligation to any other person, firm or corporation, in anywise relating to the installation of gas service in the City of Dunwoody, Georgia; now, therefore:

BE IT ORDAINED by the Mayor and Council of the City of Dunwoody, Georgia, as follows:

SECTION 1.

- (a) *Base Year* means the fiscal year ending September 30, 2009.
- (b) *Base Year Franchise Fee Factor* means \$13.86.
- (c) *Base Year Dedicated Design Day Capacity or “DDDCbY”* means 23,959, which is the Designated Design Day Capacity, as of the date hereof.
- (d) *Dedicated Design Day Capacity or “DDDC”* means the sum of the individual capacity in Dekatherms attributable to all firm customers located within the city limits of the City.

(e) *Firm Customers* means all residential and business customers who purchase gas service that ordinarily is not subject to interruption or curtailment.

(f) *Fiscal Year* means the 12 month period ending September 30, of each year.

(g) *GPSC* means the Georgia Public Service Commission or such successor regulatory body, having general regulatory authority over the Company.

(h) *Inflation Index* means the percentage change in the Consumer Price Index for all Urban Consumers as published by the Bureau of Labor Statistics, or any successor index, for the period from September 30, 2008, to the beginning of the then current fiscal year, as reduced by any productivity factor adjustment for the same time period determined by the GPSC for the Company.

(i) *Productivity Factor Adjustment* or PFA means the percent change in the cost of service due to productivity, either explicitly or implicitly determined by the GPSC.

SECTION 2

The right is hereby granted to the Company, its successors and assigns, to lay, construct, extend, maintain, renew, replace and repair gas pipes, valves, manholes, service boxes, posts, lamps, structures, appliances and all appurtenances and appendages under, along, through and across any streets, avenues, roads, public highways, alleys, lanes, ways, parks, rights-of-way and other public places in the City (hereinafter collectively referred to as the "City's Property") and to use and occupy the City's Property for the purpose of therein laying, constructing, extending, maintaining, renewing, replacing and repairing mains, pipes, valves, manholes, service boxes, posts, lamps, structures, appliances and all appurtenances and appendages thereto, used and useful for the manufacture, transmission, distribution and sale of gas within and through

the present or future territorial limits of the City, such right, when exercised as herein provided, to commence as of December 1, 2007 and to continue for a term for thirty (30) years from the date of approval of this ordinance.

SECTION 3.

Company shall be entitled to charge for gas furnished by it such rates as are prescribed by the Public Service Commission or other lawful regulatory Body of the State of Georgia.

SECTION 4.

The total dollar amount of franchise fees paid by the Company to the City shall be calculated as follows:

The current Fiscal Year total franchise fee shall equal the product of the Current Franchise Fee Factor and the Design Day Capacity.

The Current Franchise Fee Factor shall be equal to the product of the Base Year Franchise Fee Factor and one plus the Inflation Index expressed as a decimal to three significant digits.

The following formula quantifies this payment:
$$\text{FF} = \text{FFFbY} \times (1 + (\text{CPI-PFA})) \times \text{DDDC}$$

Where,

FF = total franchise fees due City for the current Fiscal Year

FFFby = the Base Year Franchise Fee Factor = $\text{FFbY} / \text{DDDCbY}$

FFbY = the total franchise fees paid in the Base Year

DDDCbY = the Dedicated Design Day Capacity of the Base Year

CPI-PFA = the Inflation Index

DDDC = the Dedicated Design Day Capacity in the City as of the last day of the previous fiscal year

The Company as the holder of the franchise privilege hereunder is responsible for the payment of all franchise fees payable hereunder, and shall file such reports and

returns as required by this franchise ordinance. In addition, the Company shall report annually to the City the names of all gas marketers for which Company is transporting natural gas on the distribution system within the City.

The franchise fee payments required hereunder shall be in lieu of any franchise fee, license fee, permit fee, administrative fee, occupation tax or other payment for the use of the rights-of-way by the Company for the provision of gas service, but shall not prohibit imposition of a license fee or an occupation tax on gas marketers. The Mayor and Council of the City through its authorized representative or representatives shall have the right to inspect and audit the books and records of Company for the purpose of determining the amount of its revenues received from the sale of gas as set forth above within said territorial limits. The Company shall comply with the City's utility right-of-way permitting process, as enacted, so long as such process does not conflict with O.C.G.A. §32-4-92 and is not more restrictive than rules and regulations as promulgated by the Georgia Department of Transportation. The City will not charge the Company any other franchise fee, occupation tax, or regulatory fee, as prohibited by O.C.G.A. §48-13-16, or any other fee prohibited by state law. Company reserves the right to reduce the annual franchise fee payable to the City for any and all fees, taxes or charges assessed by the City in contravention of this section in connection with the granting of permits to perform Company's work on City's Property during such Fiscal Year.

SECTION 5.

All rights herein granted and authorized by the City shall be subject to and governed only by this ordinance; provided, however, that the City expressly reserves unto itself all of its police power to adopt general ordinances necessary to protect the safety and welfare of the general public in relation to the rights hereby granted not inconsistent with the provisions of this ordinance.

SECTION 6.

Company, upon making an opening in the City's Property, for the purpose of laying, repairing or maintaining gas facilities, shall use due care and caution to prevent injury to persons, and shall replace and restore the City's Property to their former condition as nearly as practicable, and within a reasonable time, and shall not unnecessarily obstruct or impede traffic upon the streets, avenues, roads, public highways, alleys, lanes, ways, parks and other places of said City.

SECTION 7.

Company shall save and keep harmless the said City from any and all liability by reason of damage or injury to any person or persons whomsoever, on account of negligence of the Company in the installation, maintenance and repair of its mains and pipe lines located in the City's Property, provided the Company shall have been notified in writing of any claim against the City on account thereof and shall have been given ample opportunity to defend the same.

SECTION 8.

This ordinance, after its passage according to law, in writing duly filed with the City Clerk, shall be effective and in full force after the date of acceptance by Atlanta Gas Light Company.

SECTION 9.

Throughout the term of this Franchise Agreement, the Grantee shall, at its own cost and expense, maintain Comprehensive General Liability Insurance and provide the City certificates of insurance designating the City as additional insured and demonstrating that the Grantee has obtained the insurance required in this Section. Such policy or policies shall be in the minimum amount of One Million Dollars (\$1,000,000.00) for bodily injury or death to any one person, and One Million Dollars

(\$1,000,000.00) for bodily injury or death to any two or more persons resulting from one occurrence, and One Million Dollars (\$1,000,000.00) for property damage resulting from any one accident. Such policy or policies shall be non-cancelable except upon thirty (30) days' prior written notice to the City. The Grantee shall provide workers' compensation coverage in accordance with applicable law. The Grantee shall indemnify and hold harmless the Franchising Authority from any workers' compensation claims to which the Grantee may become subject during the term of this Franchise Agreement. Alternatively, and in lieu of the foregoing insurance requirements, the Grantee may elect to self-insure, if it can provide evidence of its ability to do so upon request.

SECTION 10.

Unless 90 days written notice is given by one party to the other prior to the expiration of this agreement, this franchise shall be considered as renewed and binding in all its provisions for ten (10) years after such expiration and this franchise shall so continue in operation and effect for a further and second term of ten (10) years unless such notice be given by either party prior to the expiration of the first such renewed term.

SECTION 11.

If the City grants a franchise to any other person, firm or corporation, for the distribution and selling of gas, or if the City elects to establish a municipal system for the distribution and selling of gas, any proposed facilities within the certificated area of Atlanta Gas Light Company must receive prior approval by the GPSC. City shall notify, or shall require any other person, firm or corporation franchised for the distribution and selling of gas to notify, the GPSC and Company of their intent to install facilities parallel to and within the rights-of-way with Company facilities at least thirty (30) days prior to installation and such installation shall not be initiated without the written consent of the

GPSC provided, however, that the GPSC shall act on such notice within a reasonable amount of time and such consent shall not be unreasonably withheld.

SECTION 11.

In the event that any provision of this ordinance should be ruled void, invalid, unenforceable or contrary to public policy by any court of competent jurisdiction, the remaining provisions of this ordinance shall survive and be applied, and together with the invalid or unenforceable portion shall be construed or reformed to preserve as much of the original words, terms, purpose and intent as shall be permitted by law.

SECTION 12.

Any and all notices required to be given under this agreement shall be in writing and shall be delivered by U.S. Mail, return receipt requested, commercial overnight courier or hand delivery and shall be deemed delivered when received or rejected for receipt by the recipient. The parties' addresses are set forth below and can be changed upon thirty (30) days' notice to the other:

City:

_____, Dunwoody, GA _____, Attn: _____

Company:

P.O. Box 4569, Atlanta, GA 30302-4569, Attn: Rates and Regulatory

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

SECTION 13.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SO ADOPTED by the City Council of the City of Dunwoody, Georgia, at a meeting held on _____.

Approved:

Ken Wright, Mayor

I, _____, Clerk of the City of Dunwoody, Georgia, hereby certify that I was present at the meeting of the Mayor and Council of the City of Dunwoody, Georgia, held on _____, 2009, which meeting was duly and legally called and held, and at which a quorum was present, and that an ordinance, a true and correct copy of which I hereby certify the foregoing to be, was duly passed and adopted by the Mayor and Council of the City of Dunwoody, Georgia, at said meeting.

IN WITNESS WHEREOF, I hereunto set my hand and the seal of the City of Dunwoody, State of Georgia, this _____ day of _____, 2009.

Clerk

(SEAL)

Accepted on behalf of Atlanta Gas Light Company, this _____ day of _____,
2009.

Atlanta Gas Light Company

By: _____

Name: _____

Title: _____



CITY OF DUNWOODY

400 Northridge Road

Suite 1250

Phone: 678.382.6700 • Fax: 678.382.6701

www.dunwoodyga.gov

MEMORANDUM

To: Honorable Mayor and City Council

From: John Grotheer, Jr., Finance Director

Date: January 26, 2009

Subject: Fee & Criteria for the Issuance of Permits

At the request of Council, the "Resolution Adopting and Approving the Amended Permitting Criteria for Consumption of Alcohol in City Parks" is amended as follows:

Remove the following verbiage:

"No glass bottles or bar glasses shall be allowed at the activity or event."

Add the following verbiage:

"A permit shall not be issued for any playground areas or sports venues."

RESOLUTION 2009-01-09

**A RESOLUTION ADOPTING AND APPROVING THE AMENDED PERMITTING CRITERIA
FOR CONSUMPTION OF ALCOHOL IN CITY PARKS**

- WHEREAS,** the City of Dunwoody has adopted Chapter 16, Offenses and Violations, which is incorporated into the City of Dunwoody Code of Ordinances; and
- WHEREAS,** Article I, Section 3(b) of Chapter 16 forbids consumption of alcohol in any City park or cultural center except at a group function, event or performance pursuant to a permit issued by the City Manager; and
- WHEREAS,** Section 3(b) also requires the City Council to set the fee and the criteria for such permit by Resolution;
- WHEREAS,** The Mayor and City Council adopted Resolution 2009-01-06, setting the fee and criteria for such permits on January 12, 2009 and now wish to amend such criteria as attached hereto and incorporated herein as Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the City of Dunwoody, while in session on January 26, 2009, that Exhibit "A" of this resolution shall serve as the amended permit criteria for alcohol consumption pursuant to Article I, Section 3(b) of Chapter 16 of the City of Dunwoody Code of Ordinances.

SO RESOLVED AND EFFECTIVE, this the 26th day of January, 2009.

Approved:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk
Seal

**STATE OF GEORGIA
COUNTY OF DEKALB**

EXHIBIT "A" – RESOLUTION 2009-01-09

Pursuant to Resolution 2009-01-09 as adopted by the Mayor and Council of the City of Dunwoody;

**FEE AND CRITERIA FOR THE ISSUANCE OF PERMITS TO NON PROFIT GROUPS FOR
THE CONSUMPTION OF ALCOHOL IN CITY PARKS**

- 1) The fee established for a permit for a non-profit group for the consumption of alcohol in city parks shall be \$25.00 for a single event or \$100 for annual permit
- 2) The City Manager shall consider the following factors in evaluating applications for said permit:
 - a) The applicant is a qualified non-profit group, as established by the Internal Revenue Service of the United States Government.
 - b) The applicant has made an application to the City of Dunwoody in writing on a form approved by the City Manager, or his designee.
 - c) The event or activity where alcohol consumption in a public park is being proposed is sponsored by the applicant.
 - d) The applicant has paid the full cost of the fee at the time of the submission of the application. If an application is denied, the fee will be returned to the applicant within 5 days of said denial.
 - e) The event or activity where alcohol consumption in a public park is being proposed shall articulate in writing a plan for security that will ensure that no minors have access to alcohol and that no alcohol is carried beyond the boundaries of the event or activity.
 - f) No glass bottles or bar glasses shall be allowed at the activity or event. A permit shall not be issued for any playground areas or sports venues.
 - g) Applicants need not be residents of the City of Dunwoody.

RESOLUTION 2009-01-10

**A RESOLUTION TO APPOINT THE MEMBERS OF THE COMMUNITY COUNCIL FOR
THE CITY OF DUNWOODY, GEORGIA**

WHEREAS, the City of Dunwoody is authorized by the City Charter to create boards, commissions and authorities as the Mayor and City Council deem necessary; and

WHEREAS, the Mayor and City Council previously adopted Chapter 27 ("City of Dunwoody Zoning Ordinance") of the City Code of Ordinances which calls for the creation of the Community Council; and

WHEREAS, the Community Council shall serve as a recommending body to the City pursuant to the terms of the City of Dunwoody Zoning Ordinance and shall serve to implement its function in accordance with the City of Dunwoody Zoning Ordinance; and

WHEREAS, the Mayor of the City of Dunwoody is authorized with confirmation from the City Council to appoint the following seven (7) persons to the Community Council for the City of Dunwoody, and at the following terms of office for each member:

Brian Cosgrove, 3 years

Dennis Crean, 3 years

Al Albergini, 3 years

Tom Dwyer, 3 years

Robin Burch, 3 years

Page Olsen, 3 years

Austin Kearney, 3 years; and

WHEREAS, this Resolution shall become effective upon its adoption.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Dunwoody while in regular session on January 26, 2009 at 7:00pm, that the persons herein named are appointed as members of the City of Dunwoody Community Council for the designated terms.

Approved:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk

(SEAL)

**CITY OF DUNWOODY, GA
CITY COUNCIL**

Ken Wright, Mayor

Denis Shortal – District 1, Post 1
Adrian Bonser - District 2, Post 2
Tom Taylor – District 3, Post 3
Robert Wittenstein – At Large, Post 4
Danny Ross – At Large, Post 5
John Heneghan – At Large, Post 6

Monday, January 26, 2009	City Council Meeting	7:00 PM
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A) CALL TO ORDER

B) ROLL CALL AND GENERAL ANNOUNCEMENTS

C) INVOCATION

D) PLEDGE OF ALLEGIANCE

E) MINUTES

1. Approval of Meeting Minutes from the January 6, 2009 Special Called Meeting

F) APPROVAL OF MEETING AGENDA (*add or remove items from agenda*)

G) PUBLIC COMMENT

H) COUNCIL COMMENT

I) CONSENT AGENDA (*none at this time*)

J) UNFINISHED BUSINESS:

1. **PUBLIC HEARING** – *City of Dunwoody Sign Ordinance*
 - Presentation and Recommendation by Community Development
 - Public Comments Open
 - Public Comments Closed
 - Close Public Hearing
2. Second Read, discussion and vote on Ordinance to readopt and approve the updated City of Dunwoody Sign Ordinance (Chapter 21 of the City Code of Ordinances). (**Ordinance 2009-01-09**).

K) REPORTS AND PRESENTATIONS

1. Status report on Boyken contract.
2. Discussion on Comcast of Georgia Franchise Agreement for Cable and Video Services.

L) NEW BUSINESS:

1. Discussion and vote on City of Dunwoody employee benefits package.
2. One Read Ordinance to Create a Development Authority for the City of Dunwoody Code of Ordinances. **(Ordinance 2009-01-11).**
3. **ACTION ITEM:** Discussion and vote on approving By-Laws for the Development Authority.
4. **ACTION ITEM:** Discussion and vote on approving an Intergovernmental Agreement between the Development Authority and the City of Dunwoody.
5. Discussion and vote on approving the Resolution to remove the remaining moratorium on sign applications and issuances. **(Resolution 2009-01-07).**
6. Discussion and vote on approving the Resolution for amended City Council Rules and Procedures. **(Resolution 2009-01-08).**
7. First Read of Ordinance to grant a franchise agreement to Atlanta Gas Light Company **(First Read).**
8. Discussion and vote on amended Resolution for permit fees and criteria for alcohol consumption in City parks. **(Resolution 2009-01-09).**
9. Discussion and vote on Resolution to appoint members of the Community Council. **(Resolution 2009-01-10).**
10. Discussion and vote on Resolution to appoint members of the Planning Commission. **(Resolution 2009-01-11).**
11. Discussion and vote on approving the annual schedule of the Planning Commission.
12. Discussion and vote on Resolution to appoint members of the Board of Zoning and Appeals. **(Resolution 2009-01-12).**
13. Discussion and vote on Resolution to appoint members of the Ethics Board. **(Resolution 2009-01-13).**
14. Discussion and vote on Resolution to appoint members of the Construction Board of Appeals. **(Resolution 2009-01-14).**
15. Discussion and vote on Resolution to appoint members of the Alcohol Appeals Board. **(Resolution 2009-01-15).**

M) OTHER BUSINESS *(none at this time)***N) PUBLIC COMMENT****O) EXECUTIVE SESSION**

1. For the purposes of legal, real estate, and personnel discussions.

P) ADJOURN